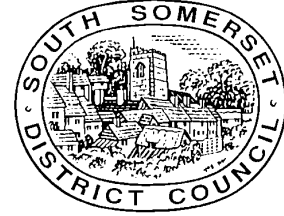


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 8th March 2017

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **11.15am.**

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 28 February 2017.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area East Committee

Wednesday 8 March 2017

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 8th February 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors David Norris, Sarah Dyke, Tony Capozzoli and Nick Weeks.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public Participation at Committees

- a) **Questions/comments from members of the public**
- b) **Questions/comments from representatives of parish/town councils**

5. Reports from Members Representing the District Council on Outside Organisations

6. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 12th April at 9.00am.

7. Chairman Announcements

Items for Discussion

- 8. Welfare Advice Work in South Somerset** (Pages 6 - 13)
- 9. Local Housing Needs in Area East** (Pages 14 - 17)
- 10. Report for Area East Committee on the Performance of the Streetscene Service** (Pages 18 - 21)
- 11. The Growing Space, Wincanton - Request for funding towards establishing as an accredited training provider** (Pages 22 - 24)
- 12. The Lamp, Wincanton - Funding Contribution** (Pages 25 - 27)
- 13. Local Regeneration** (Pages 28 - 30)
- 14. Area East Committee Forward Plan** (Pages 31 - 32)
- 15. Planning Appeals (For Information Only)** (Pages 33 - 43)
- 16. Schedule of Planning Applications to be Determined by Committee** (Pages 44 - 46)
- 17. 16/04434/FUL - The Priory, Priorygate Court, Castle Cary** (Pages 47 - 68)
- 18. 16/04435/LBC - The Priory, Priorygate Court, Castle Cary** (Pages 69 - 77)
- 19. 17/00242/S73A - Land OS 0034 Bowden Lane, Henstridge** (Pages 78 - 84)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 8

SSDC Welfare Advice Work in South Somerset

Assistant Director: Steve Joel, Health and Well Being
Head of Service: Kirsty Larkins, Housing and Welfare
Service Manager: Alice Knight, Careline and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Advice Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or 01935 463737

Purpose of the Report

To update and inform Members on the work of the Welfare Advice Team for the financial year 2015/16.

Public Interest

The report gives an overview of the work of the SSDC Welfare Advice Team.

Recommendation

Members are invited to comment on the report

Service Summary

Established in 1999, the Welfare Advice Team consists of 3.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset.

The Team are situated within the Housing and Welfare Service and provides free, confidential and impartial information, advice and advocacy on Welfare Benefits.

We carry out specialised case work; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The service is provided by telephone, appointments at Petters House, the Area Offices, local Advice Surgeries and also by home visits where appropriate.

Impact Summary for 2015-16

Area East:

- Helped **50** clients across the area
- Achieved an annual increased income of **£122,845**.
- Lump sum payments total of **£19,765**.
- Combined total of **£142,610**

Across South Somerset:

- Helped **562** clients across South Somerset
- Achieved an annual increased income of **£1,467,308**
- Lump sum payments total of **£287,591**
- Combined total of **£1,754,900** – over **15 times** the cost of the service (£114,127)

We also challenged 90 decisions at Mandatory Reconsideration or Appeal:

Mandatory Reconsiderations (MR's)

- 18 Mandatory Reconsiderations were successful
- 5 clients with unsuccessful Mandatory Reconsiderations did not wish to pursue an appeal.
- 1 Mandatory Reconsiderations remain outstanding

The unsuccessful MR's, can be progressed to appeal (First Tier tribunal) stage, if our clients agree.

Some cases that come to us are already at appeal stage.

Appeals to the Tribunals Service

- 65 decisions were challenged at First Tier Tribunal
- 50 Tribunals were successful
- 13 Tribunals unsuccessful
- 2 Tribunals remain outstanding
- 2 Tribunal decisions challenged at Upper Tier
- 1 set aside at Upper Tier (successful on the second hearing)

65% of the lump sum payments and 33% of the annual increased income was achieved by appeal work.

Please note that these figures are provisional (12/01/2017) due to some cases work remaining outstanding. We would expect these figures to show a further increase as some cases await outcomes.

It is also worth noting that of all the 90 disputed decisions, 85 were for disability benefits – 1 Attendance Allowance, 8 Disability Living Allowance, 52 Personal Independence Payment and 24 Employment and Support Allowance.

Saved and Maintained Tenancies

The figures for Saved and Maintained Tenancies for 2015-16 stand at 5 and 9.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Advice Team. Maintained Tenancies are those where the Welfare Advice Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

The cost to SSDC of dealing with a homeless application is estimated at £2,630 per family. The 5 tenancies saved by the intervention of the Welfare Advice Team equates to a potential saving of £13,150. Further savings were made by the 9 Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention, which is key in the current financial climate.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform.

Ongoing Changes in Social Welfare

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors.

2013 saw the application of the Spare Room Subsidy and the Benefit Cap in addition to households with private tenancies already subject to the Local Housing Allowance.

Benefit Cap – The second stage of the benefit cap came into force in November 2016, at £20,000 for lone parents and couples, and £13,400 for single childless people. We estimate approximately 160 households in South Somerset will be affected, with some losing up to £300 per week. We are working with DWP and CASS to raise awareness and help people through the transition.

The figures for the households in South Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) are shown below:

- 230 in 2012-13
- 487 in 2013-14
- 513 in 2014-15
- 357 in 2015-16

Universal Credit

Most of the means-tested benefits system for working-age families is now being replaced with a single payment called Universal Credit (UC).

The IFS Green Budget 2016 (1) is the first comprehensive analysis of the effects of UC since the cuts in the July 2015 budget. It found that a series of pre-emptive cuts means that introducing UC will in the long run reduce the financial benefit of the new system – including to working families.

When first proposed UC was intended to be more generous than the current system, but cuts to how much recipients can earn before their benefits start to be withdrawn have reversed this.

The long run impact of Universal Credit on incomes was found as follows:

- Among working households, 2.1 million will get less in benefits as a result of UC's introduction (an average loss of £1,600 a year) and 1.8 million will get more (£1,500 average gain). Among the 4.1 million households of working age with no-one in paid work, 1 million will get less (average loss of £2,300 a year) and 0.5 million will get more (average gain of £1,000 a year).
- Working single parents and two-earner couples are relatively likely to lose, and one-earner couples with children are relatively likely to gain. Among those currently receiving one of the benefits being replaced by UC, working single parents would be over £1,000 a year worse off on average if the long run UC system applied now, but one-earner couples with children would gain over £500 a year on average.
- Owner-occupiers and those with assets or unearned income are relatively likely to lose, but working renters are relatively likely to gain. This has the implication that UC will likely focus support more on those with long-term (rather than just temporary) low incomes, but it also weakens the incentive for some to save.

Robert Joyce, an Associate Director at the IFS and an author of the report, said: “*The long run effect of universal credit will be to reduce benefits for working families on average – a reversal of the original intention. However, the potential gains from simplifying the working-age benefit system remain mostly intact: universal credit should make the system easier to understand, ease transitions into and out of work, and largely get rid of the most extreme disincentives to work or to earn more created by the current system.*”

The roll out of Universal Credit full service started across the majority of Area West and some of Area North (some TA postcodes) in October 2016, with the rest of South Somerset to follow in April 2017.

This is very much a work in progress and sadly many issues have been identified, particularly impacting on vulnerable clients in rural areas. The Welfare Advice Team continue to work with the DWP at region level to monitor and feedback issues.

In the meantime, the migration of Incapacity Benefit cases to Employment and Support Allowance continues, as does the migration of Disability Living Allowance recipients to Personal Independence Payment.

Secondary Benefits

Over time a whole raft of secondary benefits have been developed and eligibility has depended on receiving Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance, Child Tax Credits and now, certain elements of Universal Credit.

These are the 'passport benefits' and provide access to free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (2) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contributions to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the 'pupil premium'.

In addition if families migrate because of the Housing Benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

Unemployment

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on Housing Benefit to pay their rent, not to mention earnings top up's such as Working Tax Credits due to typically low wages in the area.

UK figures published in December 2013 found that the largest group in poverty are working age adults without dependent children - 4.7 million people are in this situation, the highest on record. Pensioner poverty is at its lowest level for 30 years. (3).

The Value of Welfare Advice

By ensuring the maximisation of income and helping to challenge decisions, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection.

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (4) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

Looking at all work to date on Cost Benefits Analysis (CBA) and Social Return on Investment data, the report finds that this not only pays for itself, but it also makes a significant contribution to families/households, to local area economics, and also contributes to significant public savings.

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (5)

Commenting on the findings Lord Colin Low said:

“This research, carried out independently, demonstrates with hard economics the true value of social welfare advice. It can no longer be argued that funding social welfare advice is too much of a burden on the state. Early and necessary interventions from advice and legal support prevent problems and expense further down the line”

Partnership Work

Co-ordinated joined up working with other agencies is now more important than ever with the emphasis on making advice more accessible in rural areas and taking service out across the district. We are striving to maintain and improve ways where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems.

We are also working in conjunction with other advice agencies on Social Policy issues. The agencies we work with, such as the National Association of Welfare Rights Advisers and Citizens Advice Bureaux campaign on a national level, which we feed into, as well as highlighting individual cases via the local MP's.

Our partner agencies include Citizens Advice South Somerset South Somerset, Age UK, Yarlinton Housing Group, South Somerset Mind, Village Agents and many more.

Case Studies and Feedback

Miss Brown was 61 years old, single with learning difficulties. She also had long term physical health issues including diabetes, arthritis, back pain and depression. She worked full time until about twenty years when she had to stop due to an acquired brain injury following an accident at work.

Miss Brown had lived in a small town in Somerset and knew people there but because of the spare room subsidy, she had a shortfall in her rent she could not meet. She was moved to Yeovil however, did not know anyone and was away from her remaining supportive family.

Miss Brown is now living in Yarlinton Supported Housing due to her care needs with an additional care package from Social Services. The supported housing enabled her to access a cooked meal and the three carers attending each day provide prompting to wash, dress, change her clothes and eat appropriate food.

She was in receipt of Employment and Support Allowance (ESA) in the Support Group and Disability Living Allowance (DLA).

The DWP wrote to Miss Brown to inform her that her DLA was ending and that she would be required to claim Personal Independence Payment (PIP). As she could not read she asked for help from the Housing Support co-ordinator who assisted to make the claim and completed the form.

Unfortunately, at the same time, the DWP decided to renew her ESA.

Both ESA and PIP require face to face medical assessments as part of the decision making process. Miss Brown attended both medical assessments alone. She did not understand the questions and asked for the interview to be stopped but her requests were ignored.

Both benefits deemed that Miss Brown had no difficulties. She failed to qualify for PIP and deemed "fit for work" for ESA, scoring no points at all for either assessment.

Miss Brown asked for both decisions to be looked at again with the assistance from the Financial Responsibility Team at Yarlinton Housing Association.

Unfortunately the decisions remained unchanged so Miss Brown had to go through the appeal process. It was at this stage that her case was referred to us.

Appeals were lodged with the Tribunals Service for both PIP and ESA. We met with Miss Brown to discuss her health problems and disability.

Unfortunately the services involved with Miss Brown's care were not consulted by the DWP or healthcare professional carrying out the assessments so they had no knowledge of the extent of her problems. We sought to gather information from all involved to present what life was really like for Miss Brown and the amount of help she needed just to get by on a day to day basis.

Using our knowledge of the benefit legislation and case law, we wrote a submission highlighting the areas we thought the tribunal should consider during the hearing.

The case was duly heard and the tribunal decided that Miss Brown has a "severely limited ability to carry out activities of Daily Living" and awarded 36 points as well as a "severely limited ability to carry out mobility activities" and awarded 14 points, resulting in enhanced awards for both mobility and daily living components of PIP and an additional £139.75 per week plus the severe disability premium of £61.85 per week.

At the time of writing, Miss Brown is still awaiting a date for her ESA appeal.

She is suffering significant distress as a result of the whole process and needs a great deal of support from us as representatives and advocates.

The advice we provide helps our clients get back on their feet again and encourages them to be proactive as we try to empower and avoid over dependence.

This local face to face responsive support has become more essential as more and more services are rolled out digitally or through central processing centres.

This is highlighted in the feedback we receive from our clients:

“Andy has helped myself and wife numerous times and has helped us through some awful times. We don’t know what we would have done without him.”

“Excellent service, friendly, kind and professional. Thank you for help, kindness and follow up calls.”

“Excellent service. Helen has been very helpful and caring throughout the process.”

“Very happy with outcome, Nadine was very patient and very helpful”

“Thank you so much, you are wonderful. What an excellent service - you are officially a star”

“Excellent service! Wouldn’t have been able to do this without Catherine’s help, she is a credit to the service”

“Andy couldn’t have been more helpful or supportive. Without the help I wouldn’t have known what I was entitled to or how to claim it”

“Catherine was unbelievably helpful, chasing things up for me which I was unable to do due to the state of my mental health”

“Excellent service. Helen has been very helpful and caring throughout the process.”

Corporate Priority Implications

Council Plan 2016 - 2021:

Homes: Minimise homelessness and rough sleeping.

Health and Communities: Support residents through national benefit changes including universal credit.

Equality and Diversity Implications

The work within the Welfare Advice Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Background papers;

- (1) The (changing) effects of universal credit' from the IFS Green Budget 2016, edited by Carl Emmerson, Paul Johnson and Robert Joyce
- (2) *Universal Credit: the impact on passported benefits*, Report by the Social Security Advisory Committee, DWP, March 2012
- (3) Somerset Community Legal Service Partnership: County Court Project
- (4) *Annual Monitoring Poverty and Social Exclusion 2013* published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
- (5) *Social Welfare Advice services – A Review* by Graham Cookson, an economist at the University of Surrey

Agenda Item 9

Local Housing Needs in Area East

Assistant Director: Steve Joel, Health and Wellbeing
Service Manager: Kirsty Larkins, Housing and Welfare Manager
Lead Officer: Kirsty Larkins, Housing and Welfare Manager
Contact Details: Kirsty.larkins@southsomerset.gov.uk or (01935) 462744

Purpose of the Report

The purpose of this report is to give Councillors an update on housing need in Area East.

Public Interest

The report gives an overview of numbers on the Housing Register (Homefinder Somerset) in Somerset and the demand for housing in Area East.

Recommendation(s)

That:

1. Members discuss matters of interest to the local area arising from the reports and presentation
2. Members identify further or future information to be considered by the Area East Committee or other forum.

Background

Homefinder Somerset (HFS) was launched in December 2008 in partnership with the other four Somerset Authorities.

Increased provision of affordable, good quality, homes in South Somerset remains a high priority. This has been evidenced by the countywide Sustainable Community Strategy 2008-2026.

Housing Need across Somerset

Information from the Somerset Housing Register

Table 1 sets out the numbers of applicants on the Homefinder Somerset register as at 15th February 2017 within each Local Authority area.

Local Authority	Emergency	Gold	Silver	Bronze	Grand Total
Mendip District Council		113	663	727	1503
Sedgemoor District Council	5	74	547	1359	1985
South Somerset District Council		158	704	1156	2018
Taunton Deane Borough Council	3	141	499	1524	2167
West Somerset Council		33	128	375	536
Grand Total	8	519	2541	5141	8209

The housing register has stand fairly stable in South Somerset at around 2000 applicants over the last couple of years. The numbers in Gold band have decreased considerably across the county due to a

change in policy. Social Housing applicants looking to downsize are no longer award Gold band, instead they are assessed on their specific housing needs.

Housing Need in Area East

Table 2 summarises the figures for households on the Homefinder Somerset Register expressing their first choice of location for Area East as at 15th February 2017 compared with previous years

Parish	No of applicants on the register						Parish	No of applicants on the register					
	2012	2013	2014	2015	2016	2017		2012	2013	2014	2015	2016	2017
Abbas & Templecombe	40	43	28	25	13	12	Kingsdon	4	6	4	1	1	1
Alford	6	5	1	0	0	0	Limington	2	1	3	0	2	0
Aller	0	0	0	0	3	0	Lovington	2	1	0	0	0	0
Ansford	10	6	3	0	2	0	Maperton	0		1	0	0	0
Babcary	1	1	0	0	0	0	Marston Magna	5	6	6	1	3	0
Barton St David	14	19	6	0	1	2	Milborne Port	65	69	48	32	28	26
Bratton Seymour	0	0	0	0	0	0	Mudford	26	15	5	3	1	2
Brewham	2	2	1	0	0	1	North Barrow	0	0	0	2	1	1
Bruton	65	83	54	25	40	28	North Cadbury	12	12	4	2	3	2
Castle Cary	89	122	70	42	40	51	North Cheriton	1	1	1	0	1	1
Charlton Adam	3	2	0	0	1	2	Penselwood	2	1	1	0	0	0
Charlton Horethorne	1	4	3	2	1	2	Queen Camel	24	25	18	24	0	6
Charlton Mackerell	1	5	2	1	0	0	Shepton Montague	2	2	1	1	0	0
Charlton Musgrove	1	1	0	0	0	0	South Barrow	3	2	0	0	0	0
Chilton Cantelo	1	1	0	0	0	0	South Cadbury	7	4	2	1	2	4
Compton Pouncefoot	1	1	0	0	1	0	Sparkford	6	8	10	9	6	4
Corton Denham	1	0	0	1	0	0	Stoke Trister	1		0	0	0	0
Cucklington	2	2	0	1	1	1	West Camel	3	2	3	3	1	1
Henstridge	58	63	30	13	20	20	Wincanton	240	234	152	92	81	83
Holton	1	0	0	0	1	0	Yarlington	12	21	15	16	7	10
Horsington	3	3	0	0	1	0	Yeovilton	5	10	9	1	0	0
Ilchester	54	50	28	18	17	16	Total applicants	782	841	513	317	283	279
Keinton Manderville	6	8	4	1	4	3							

Table 3 below shows the number of households and their bedroom requirements by band in Area East as at 15th February 2017. Members should note that this may include applicants not currently resident in Area East.

Band	1	2	3	4	Grand Total
Bronze	84	53	20		157
Emergency		1			1
Gold	7	7	3	2	19
Silver	41	38	18	5	102
Grand Total	132	99	41	7	279

Demand for one and two bedroom properties remains high.

Table 4 The number of properties let between 1st April 2016 and 15th February 2017 in Area East

Area and bedroom size	Number of properties
Abbas and Templecombe	
1 bedroom	1
Yarlington Housing Group	1
3 bedroom	2
Yarlington Housing Group	2
Total no of properties	3
Bruton	
1 bedroom	3
Yarlington Housing Group	3
2 bedroom	2
Yarlington Housing Group	2
Studio	1
Yarlington Housing Group	1
Total no of properties	6
Castle Cary	
1 bedroom	2
Yarlington Housing Group	2
2 bedroom	6
Yarlington Housing Group	6
3 bedroom	1
Yarlington Housing Group	1
Total no of properties	9
Henstridge	
1 bedroom	2
Yarlington Housing Group	2
2 Bedroom	1
Yarlington Housing Group	1
3 bedroom	2

Yarlington Housing Group	1
Hastoe HA	1
Total no of properties	5
Ilchester	
2 bedroom	1
Yarlington Housing Group	1
Total no of properties	1
Queen Camel	
1 bedroom	4
3	3
Yarlington Housing Group	3
2 bedroom	1
Yarlington Housing Group	1
Total no of properties	5
Sparkford	
1 bedroom	1
Yarlington Housing Group	1
2 bedroom	3
Yarlington Housing Group	3
3 bedroom	1
Yarlington Housing Group	1
Total no of properties	5
Wincanton	
1 bedroom	3
Yarlington Housing Group	3
2 bedroom	14
Stonewater	4
Yarlington Housing Group	10
3 bedroom	5
Knightstone HA	1
Stonewater	2
Yarlington Housing Group	2
Total no of properties	22

Financial Implications None

Corporate Priority Implications

To work with partners to enable the provision of housing that meets the future and existing needs of residents and employers we will:

- Minimise homelessness and rough sleeping.

Background Papers:

Revised Homefinder Somerset Policy, District Executive 02/06/16

Agenda Item 10

Report for Area East Committee on the Performance of the Streetscene Service

Assistant Director: Laurence Willis - Environment
Lead Officer: Chris Cooper - Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area East Committee on the performance of the Streetscene Service in the Area for the period September 2016 to March 2017.

Recommendation

Members are invited to comment on the report

The major focus of the service so far for this period that affect Area East, are listed below.

- Routine cleansing and grounds maintenance
- Christmas tree shredding

Operational Works

Since the last report, the service has delivered the end of the summer work schedules and the winter work programmes have also been completed. We are now preparing ourselves for the 'spring rush' which will now become the main focus of the teams.

This financial year we have delivered two applications of herbicide as programmed through the highway weed killing operation. The quality of the control was excellent and we aim to maintain this level of service in the coming year.

Last year we worked with Glastonbury Town Council to investigate non-chemical options of weed control using a hot water system and we carried out trials using a number of different methods. Unfortunately the hot water system was very costly to employ and gave limited weed control as it is only effective on annual species of plants, unless high frequencies of application are employed, we simply do not have the required resources available to operate in this manner. However, the system would be very useful in specific situations and we could draw on this if required.

Managing the Health & Safety of the workforce is a critical part of our work and having reviewed and reworked our 'working around water' safe systems of work, we have since carried out a review of working alongside the highway, using a health and safety specialist to offer advice and guidance to the team. The outcome of this approach has resulted in the development of flow-chart type guidance for staff of volunteers to enable them to make informed, consistent decisions regarding the safety measures needed in any relevant situation.

I have attached a draft chart for information at the end of this report. (Appendix A)

This year we once again offered our 'Christmas Tree Shredding Service' which proved to be a great success with approximately 3,500 trees being recycled from 43 towns and parishes across the district. As a result of this, the tree chippings were re-used and a notable lack of 'dumped' Christmas trees in lay byes and hedges was seen. We received very little in the way of unwelcome items being left with

the trees, nor did we experience much abuse of the trees that had been deposited for recycling, which was very welcome.

As always, we continue to focus on managing the number of flytips found in the district, the chart below shows the numbers of fly tips collected from Area East since the last report.

AREA EAST	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	TOTALS
Abbas & Templecombe	3		1	1		1	6
Alford							0
Babcary					1	1	2
Barton St David	1						1
Bratton Seymour							0
Brewham	1						1
Bruton		1	2	2	1	2	8
Castle Cary & Ansford	2		3	2	2	4	13
Charlton Horethorne							0
Charlton Mackrell					1	4	5
Charlton Musgrove		2	1		1		4
Chilton Cantelo	1			1			2
Compton Pauncefoot					2	1	3
Corton Denham							0
Cucklington	2			1			3
Henstridge	1	2			1	3	7
Holton	1					3	4
Horsington							0
Ilchester		1	1	2	4	2	10
Keinton Mandeville							0
Kingsdon		2	2				4
Kingweston							0
Limington		1				2	3
Lovington		1					1
Maperton	1	1				3	5
Marston Magna			3	1			4
Milborne Port	1				1	2	4
Mudford	6	2	3	4		2	17
North Barrow					1	2	3
North Cadbury							0
North Cheriton							0
Penselwood					1	1	2
Pitcombe		3	2	1			6
Queen Camel				1		1	2
Rimpton							0
Shepton Montague					1		1
South Barrow							0
South Cadbury			1			1	2

Sparkford			1				1
Stoke Trister		2	1			1	4
West Camel		1	1	2			4
Wincanton	2	3	7	1	3	1	17
Yarlington					1		1
Yeovilton	1						1
TOTAL AREA EAST	23	22	29	19	21	37	151

Unfortunately we are seeing a notable increase in the numbers of incidents across the district as a whole, including across Area East. For example during the period Oct 15 – Jan 2016 we cleared 75 flytips which compares figures for this year when between Oct 16 and Jan 2017 we have cleared 106 tips across the same area.

Having analysed the figures, we believe that the reduction is due to the changes involved with the introduction of the SWP ‘vehicle and trailer permit scheme’ controlling access for small vans and trailers at HWRC’s. This conclusion has been reached after analysing the fly tipping data which shows the increase in fly tipping numbers being in the size of load of a small van.

Following the Clean for the Queen initiative that was taken up by a number of parishes and towns last year, we are supporting the Great British Clean Up that is taking place over the weekend of the 4th March, with interest being shown by Keinton Mandeville, Henstridge, Barton St David, Bab Cary, Charlton Adam, Blackford & Pauncefoot, Mapperton, Kingsdon and Templecombe. Altogether a great response from Area East!

What’s coming next?

- Summer delivery of the annual work programmes
- Continued development of the workshop as an MOT station

Financial Implications

All of the matters highlighted in the report have been achieved within service budgets.

Implications for Corporate Priorities

- Continue to deliver schemes with local communities that enhance the appearance of their local areas
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.

Background Papers

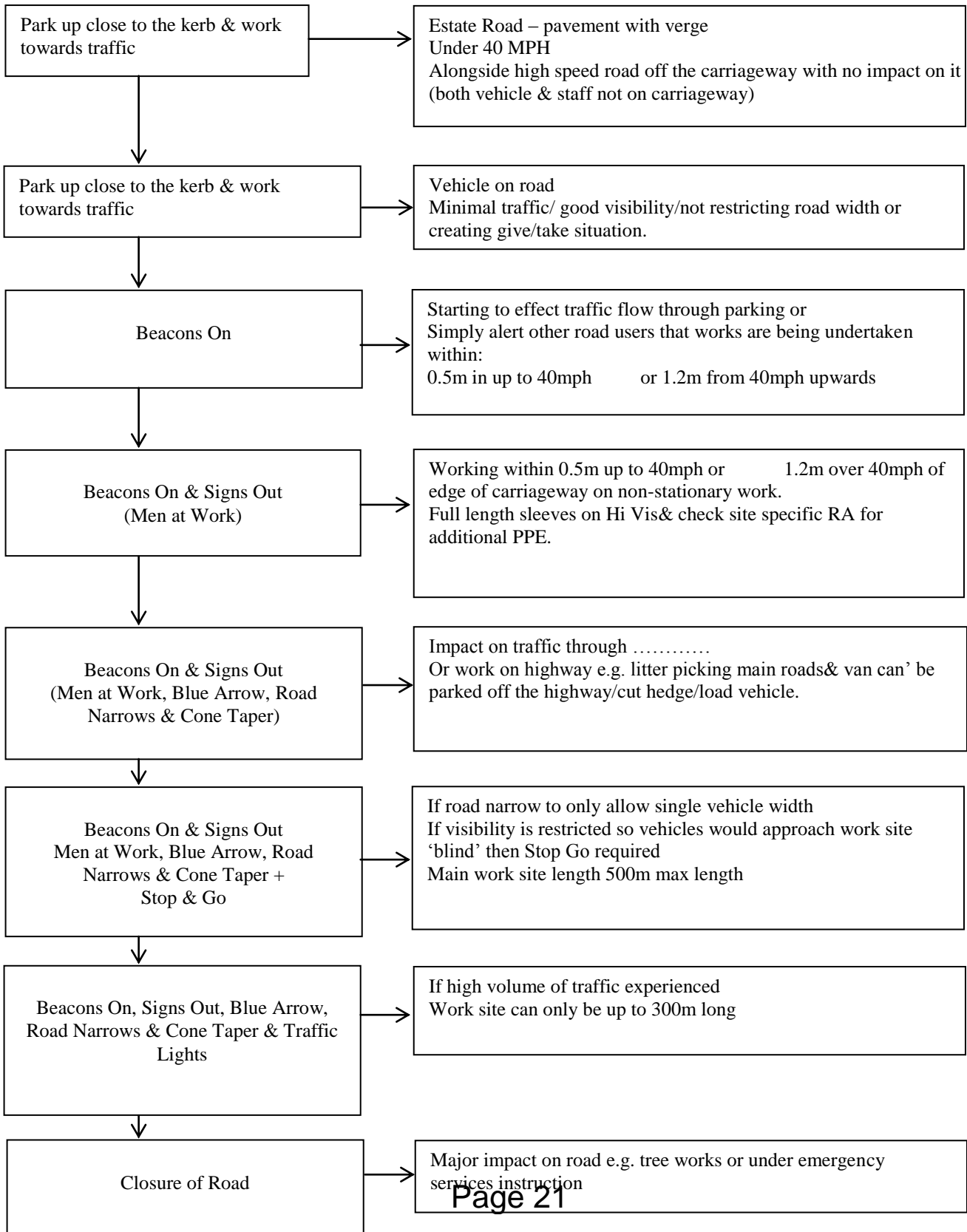
Progress report to Area Committees on the Performance of the Streetscene service.

Working on the Highway

Appendix A

Assess each situation as you arrive on site to decide what level of action is necessary following the rules below & for specific details see Risk Assessment & Safe System of Work:-

Traffic Flow	Weather conditions	Road Speed
Visibility	Signs required	PPE (standard long sleeved + any additional requirements)



Agenda Item 11

The Growing Space, Wincanton – Request for funding towards establishing as an accredited training provider

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Tim Cook, Area Development Lead (East)
Contact Details: tim.cook@southsomerset.gov.uk or (01963) 435088

Purpose of the Report

To consider a contribution towards The Growing Space to support the organisation to become an accredited training provider.

Public Interest

The Growing Space is a Community Horticultural Scheme based in Wincanton. The organisation has identified an opportunity to develop the scheme to provide accredited training which would be of benefit for local people and will help the organisation to become more financially sustainable.

Recommendation

- (1) That a contribution of £5,000 from the Members' Discretionary budget is made to support the delivery of the project, subject to all other funding being in place.
- (2) That the grant is paid in stages as set out in the report.

Background

The Growing Space was established in 2002 as a sister organisation to the Balsam Centre. The project took over land in the centre of Wincanton which had been derelict for a number of years and transformed it into a thriving community garden. The scheme provides opportunities for people to volunteer but has also been very successful at working with groups and individuals to use gardening as a therapeutic intervention.

The request for funding does not meet the Community Grants criteria as it is for a revenue contribution over £1000. It is recommended that the request is met from the unallocated funds in the Members Discretionary budget from 2016/17.

Previous funding support

Grants – 2014 - £750
2016 – £1000

Current Situation

The project has been extremely successful and as a result has managed to benefit from back to back awards from the National Lottery. This has allowed the scheme to employ a full time project manager and a part time project worker. In order to secure funding the project has had to continually identify new groups and types of activity which will eventually become unsustainable. The organisation has been investigating ways to use the knowledge and skills of staff and volunteers to find more sustainable sources of income.

Business Plan

The Growing Space board has been working to try to identify income streams that will help the organisation become more sustainable and less reliant on grants.

Evidence of Need

The need for vocational training and the aspiration to find a way for people to access training locally has been established for some time.

6 - 19 year olds often experience barriers to participating in learning and traineeships.

- The emotionally demanding nature of busy college environments doesn't cater for 16 – 19 year olds experiencing mental ill-health and social isolation. Dropout rates from traineeships for this age group are high.
- Transport to colleges (over 15 miles away) in this rural area is expensive and sporadic.
- Young people experiencing mental ill-health find public transport anxiety inducing.

Somerset Skills and Learning funded a pilot programme to evaluate the impact of delivering specialised mental health support and employment skills activities monitoring and recording beneficiaries' progression, measuring the key outcomes of the project and recording and responding to beneficiary feedback.

Evidence from the pilot project concurs with research showing the need for employment support and therapies to be co-located in community focussed organisations. Of the 30 participants in the pilot:

- All had the support of the centre's mental health worker – 15 had intensive support.
- 6 are now in paid work
- 6 reported sufficient motivation and confidence to look for work
- 18 progressed to independent volunteering
- 9 progressed to further learning
- 3 formed a group who are now supporting others in the wider community
- 5 were supported by the centre's job club.

The Indices of Deprivation 2015 show that for Education, Skills and Training, areas of Wincanton are amongst the 20% most deprived neighbourhoods in the country (ranked 6,359 out of 32,844 LSO in England; where 1 is the most deprived LSOA).

The majority of the town is amongst the 40% most deprived neighbourhoods in the county.

The Growing Space has a good reputation for project delivery and for offering a high quality services. As mentioned previously, this has led to a strong relationship with funders and in particular the Big Lottery. Working with the Balsam Centre to offer accredited vocational training will represent a significant change for the Growing Space which will help to secure further lottery funds to help with transition to a reduction on grant reliance. The request is for a contribution towards a three year programme of work to establish the Growing Space as an accredited training provider.

If the bid is successful, Lottery funds will be used to employ an Educational Officer for 2 years to develop the accredited vocational training offer at The Growing Space. The post holder will work with local schools and colleges to develop local vocational training courses. A key part of the scheme will be to identify year 11 students that are unlikely to leave school with the minimum required credit to qualify for further education or an apprenticeship and to provide accredited, transferable skills to improve prospects of employment.

Providing accredited training will generate an income stream for the organisation which will eventually lead to financial sustainability. The information supplied by the applicant identifies the potential for

significant income generation. Currently, post 16 education is funded through guided learning hours. If a particular qualification has a guided learning hour value of £10, then a course lasting 30 hours on which 10 learners were enrolled would have a full value of £3000.00. The applicant estimates that it will require 3 or 4 30 hour training sessions with 10 learners on each to break even, (or the equivalent number of hours made up of shorted courses and workshops).

If members agree to support the project, it is recommended that payments are staged as set out below in order to reflect the fact that the support may not be needed by the third year.

Year 1 - £2500
Year 2 - £1500
Year 3 - £1000

Financial Implications

A sum of £9,200 remains unallocated in the Members' Discretionary Budget, which must be used within the current financial year.

If Members support this proposal then a sum of £4200 will remain unallocated in the Member's Discretionary Budget.

Corporate Priority Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Climate Change Implications

Providing local access to a range of activities and services reducing the need to travel which therefore reduces carbon emissions.

Equality and Diversity Implications

The loss of services designed to meet the needs of the most disadvantaged in target communities is likely to have a significant effect over time.

Background Papers: None

Agenda Item 12

The Lamp, Market Place, Wincanton – Funding Contribution (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Pam Williams, Neighbourhood Development Officer - economy

Contact Details: pam.williams@southsomerset.gov.uk or (01963) 435020

Purpose of the Report

To consider onward responsibility and a funding contribution towards the re-instatement of the plinth and traditional lamp column in the Market Place, Wincanton

Public Interest

Supporting and helping to improve town centre amenity

Recommendation

It is recommended that Members

- 1) Allocate up to £2,700 from the Members Discretionary Budget towards re-instating the traditional lamp column and plinth on the basis that this is a final contribution to the structure and Wincanton Town Council insure/assume onward responsibility for the structure.

Background

Following anti-social behaviour over Christmas 2014, the plinth and the traditional column of the feature lamp were damaged and subsequently removed by contractors acting on behalf of Somerset County Council (SCC). These were returned to Wincanton last year and are stored locally.

It is understood a local organisation, the Fairs and Feoffees Charity, owns the Market Place but for some years it has been accepted that it is under the 'operational control' of Somerset County Council's Highways Department (SCC).

There was no change to ownership/responsibilities following an enhancement scheme which took place around 2002 funded jointly by Wincanton Town Council (WTC), SCC, SSDC in conjunction with English Heritage. It is understood the installation of the traditional lamp, around 1999, predated the enhancement of this area – the lamp being a replica of a historic lamp which previously stood in the Market Place.

Around 2003 there was damage to the lamp/plinth following a motor vehicle incident, this necessitated major repair to the stone base. It appears that at that time, the plinth was remounted but only held in place by a mortar bed and gravity – the former had fully eroded by the time of 2014 incident.

Current Situation

In most circumstances SCC would re-instate the column and plinth, usually asking for local funding to cover the additional cost associated with re-instating a 'non-standard' column. However, following technical advice from their specialist lighting team SCC's position is that they will **not** re-instate the plinth/column in its present form because it will not comply with current safety requirements. They are

not therefore willing to assume responsibility for the structure going forward. On this basis, it would appear that the options are:

1. To re-instate (remount the plinth with bolting or an adhesive bonding + erect column) under licence from SCC with liability/responsibility resting with another body or
2. Not to reinstate the plinth or lamp and use the base for other purposes/displays (the plinth has been used to display a variety of art displays over the last year or so) or
3. Reduce the height of the base (although this may leave it more vulnerable to vandalism) and then erect the column under licence from SCC with liability/responsibility resting with another body

Wincanton Town Council used the plinth for a few months last year, during which time several art installations were displayed generating a good response from the public. At their February meeting, the Town Council voted to have the lamp re-instated and agreed to accept onward responsibility for the structure. Permission to re-instate the lamp would need to be obtained from SCC/Fairs and Feoffees Charity. There are a number of ways in which SSDC can assist the process. The Property & Engineering services manager (a former Highway Engineer) has visited site and prepared a specification for these works, it is therefore suggested that he would be well placed to commission and oversee the re-instatement. If Members are minded to see the lamp re-instated, financial assistance could be provided on the following basis:

- SSDC contribution of 50% towards scheme cost + shared responsibility for the structure going forward
- SSDC fully fund the reinstatement but onward responsibility for the structure is passed to WTC

It is suggested that the latter is the tidiest option as it clearly differentiates between the commissioning and ongoing liability for each organisation. It would also mean that there is no onward revenue implication for the District Council

Based on prices obtained in 2016 it is likely that the cost of re-instatement would be in the region of £2,700, which breaks down as follows:

Remove lamp column from base, shot blast and paint black, return to site and erect column and base on plinths, using stainless steel bolts and resin.	1000
Replacement column head 'Windsor traditional'	800
Electrical estimate approx.	300
Contingency	600
Total estimated cost	2,700

To comply with financial standing orders quotations will need to be refreshed ahead of commissioning but the contingency figure is generous so it unlikely that revised budget will exceed the suggested budget provision. Additionally, arrangements with SCC and Wincanton Town Council would need to be formalised.

If the committee preferred to opt for sharing the reinstatement/running costs, it estimated that the revenue costs are likely to take the form of electricity supply estimated to be £100 per annum and general cleaning. Additionally, the District Council's liability insurance would not have a separate premium for the structure but it does not make provision for future repair (in the event that damage occurs again).

Financial Implications

If Members have supported the recommendations in the two previous reports and are also minded to support the proposal contained in this report to fully fund the lamp re-instatement at a cost of up to

£2,700, there would be no unallocated balance in the Members' Discretionary Budget. Usually, at the start of the financial year this budget receives a new allocation to spend in 2017/18.

Corporate Priority Implications

None

Carbon Emissions & Climate Change Implications

None additionally resulting from this report

Equality and Diversity Implications

None directly resulting from this report

Background Papers:

None

Agenda Item 13

Local Regeneration (Executive Decision)

Assistant Director *Helen Rutter, Communities*
Service Manager: *Tim Cook, Area Development Team Lead*
Lead Officer: *Pam Williams, Neighbourhood Development Officer – Economy, Area East*
Contact Details: *pam.williams@southsomerset.gov.uk or 01963 435020*

Purpose of the Report

To receive a report from Ian Nockolds, Director at Cognisant Research on the Workspace Demand Study and seek funding for a 'one off' business breakfast and tourism attractions business meeting

Public Interest

This complements our work to encourage viable and growing businesses and business support organisations in the villages and market towns in Area East, thereby underpinning job creation and preservation.

Recommendations:

- (1) To re-affirm £1,000 funding for the provision of 'The Lime Room' hot desk space
- (2) To re-allocate up to £2,000 funds originally intended to support creative art work/show room space in Wincanton to support two business events/breakfasts
- (3) To note the findings of the Workspace Demand Study

Background

In October 2015 Members agreed an allocation of £8,000 from the Members Discretionary budget towards the following key strands of work:

- the provision of hot desk facilities at Churchfield
- research into the viability a work hub in Area East
- to support creative art work/show room space in Wincanton

With the exception of the creative art/workshop space in Wincanton which was included in anticipation of a Town Team project then under development, being brought to fruition, there has been progress with the other two strands.

More recently, Members supported the idea of arranging two business events at last month's priorities workshop

The Lime Room – hot desk space

This facility was launched in the summer 2016 as a pilot project to determine potential demand for hot desking space locally. The small room, which has two desks, is situated on the first floor of Churchfields, can be booked on an hourly basis during normal office hours. Users have to first register and pay a deposit. The initiative was widely promoted through social media and other free advertising strands (press releases etc) and in November a local charity began to use the space regularly. This was a useful test of booking systems/registration processes etc but we will also review booking arrangements to ensure that these are as streamlined as possible

At their workshop in February Members agreed to further promote The Lime Room through 'paid for' advertising which will be rolled out over the next few months through traditional media and the workspace networks. Although uptake has been slow to-date it is considered that it would be worthwhile continuing with this (relatively) low cost pilot as it is generally acknowledged it can be difficult to get an accurate estimate of demand for workspace; early uptake is sometimes slow which often means an element of speculative investment in commercially operated hubs is needed to get them off the ground

Business events/breakfasts

It is suggested that there is probably benefit in considering organising two 'one –off' business events this May/June.

The first a meeting of tourism attractions to explore common issues such as the A303 improvements and joint marketing was suggested by several of the attractions during visits by the Area Development Manager and Chairman last year.

The second would be more of a 'network' event open to all businesses the programme for which would be developed in conjunction with the established local business organisations. The District Council's Regeneration Board were supportive of a business breakfast event of this type.

Although these two events were first mooted last year there was not funding allocated to support these events and, in the absence of a project coming forward imminently for creative art workshop/show room in Wincanton, it is suggested that Members may wish to re-allocate the £2k funding originally allocated for this purpose to support the business events.

Workspace Demand Study

We attempted to appoint consultants to undertake this work last summer but were not able to appoint suitable consultants at that point. A further call for consultants in October resulted in Cognisant Research submitting an acceptable proposal within the allocated budget of £5k. They began desktop work in December and commenced telephone interviews in January. A summary of Cognisant Research's findings will be sent to Members ahead of the meeting.

Financial Implications

Within the Members Discretionary budget £8k is ring fenced for regeneration works comprising:

- Up to £1,000 for the provision of hot desk facilities at Churchfield
- Up to £2,000 towards creative art work/show room space
- Up to £5,000 to research demand for work space/hub

If Members approve the recommendations in the reports elsewhere on this agenda and also wish to re-allocate £2k from creative art work/show room space funding towards the two business events as suggested within this report, there will be no remaining unallocated funds in the Members Discretionary Budget.

Implications for Corporate Priorities

A well supported business community

Measured by: An increase in satisfaction by businesses with the specialist support they receive in South Somerset

A vibrant and sustainable Yeovil, Market Towns and Rural Economy

Measured by: Increasing local sustainability measured by the average level of self containment for South Somerset Wards

Other Implications

Included within the Area Development Plan

Background Papers: Area East Committee Agenda & Minutes October 2015

Agenda Item 14

Area East Forward Plan

Assistant Directors: Kim Close / Helen Rutter, Communities
Service Manager: Helen Rutter, Area Development Manager (East)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact the Agenda Co-ordinator; Kelly Wheeler.

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
12 April 17	Area Development Plan and end of year report	To give an overview of progress on activities and projects contained within the Area Development Plan	Tim Cook
12 April 17	Licensing Service	Annual report	Nigel Marston
12 April 17	Local Action Group	Annual update report	Helen Rutter
10 May 17	Community Health and Leisure	Annual report	Lynda Pincombe
10 May 17	Arts and Entertainment	Annual update report	Pauline Burr/Adam Burgan
10 May 17	Area Development Plan	Annual update report	Tim Cook
14 June 17	Highways	Annual update report	John Nicholson SCC
14 June 17	Retail Support Initiative	Annual update report	Pam Williams
14 June 17	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
14 June 17	Annual Appointments	Annual Appointments report	Angela Cox
14 June 17	Development Control Scheme of Delegation - Nomination of substitutes for Area East Chairman and Vice Chairman - 2017/18	To nominate two members to act as substitutes for the Chairman and Vice-Chairman in their absence	Martin Woods
12 July 17	Community Grant Programme Update	Update report	Tim Cook
12 July 17	Transport Support for Community and Public Transport	Transport Support for Community and public transport and SSCAT Bus	Nigel Collins
9 August 17	Heart of Wessex	Summary of the work undertaken by the Heart of Wessex Rail Partnership during 2015/16.	Helen Rutter
9 August 17	Community Offices	Annual report on trends, visitors etc	Lisa Davis

Agenda Item 15

Planning Appeals

Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

15/00232/FUL – Gainsborough Arms, 74 Gainsborough Road, Milborne Port
Demolition of existing Class A4 public house and redevelopment of site to provide a Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking, access and landscaping (as appropriate)

17/00052/USE – The Meadows, School Hill, Cucklington
Breach of planning control

Appeals Allowed

15/01223/COL – Higher Farm, Higher Farm Lane, Yeovilton
Application for a Lawful Development Certificate for the existing use of land for clay pigeon shooting

Appeals Dismissed

16/01950/FUL – 5 Leigh Farm Cottages, Leigh Common, Stoke Trister, Wincanton
Conversion of one cottage into two

Appeal decisions attached.

Background Papers: None

Appeal Decision

Site visit made on 5 September 2016

by Melissa Hall BA (Hons), BTP, MSc, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2017

Appeal Ref: APP/R3325/X/16/3148201

Land at Higher Farm, Podimore, Yeovil, Somerset BA22 8JQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal in part to grant a certificate of lawful use or development (LDC). References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the use, operations or other matter in question.
 - The appeal is made by Mr Brian Coram against the decision of South Somerset District Council.
 - The LDC was granted on 9 June 2015 under application Ref 15/01223/COL, dated 5 March 2015.
 - The application was made under section 191 of the Town and Country Planning Act 1990 as amended.
 - The use of the land for which the LDC has been granted is clay pigeon shooting.
 - The matter in dispute is the wording of the First Schedule, which states that:
'The sui generis use of the land for clay pigeon shooting on up to a maximum of 22 Sundays each year between the hours of 10:30 and 14:00 only for the purposes of practice, private lessons, open shooting sessions and for the holding of up to 6 Major Events (as further defined hereunder) in breach of condition no 2 attaching to planning permission reference 00/02600/COU dated 26 November 2002 ('the Development'). (For the purposes of this Certificate a Major Event is a regional or national competition or other event attracting in excess of 50% more participants than normal and up to a maximum of 100 'Guns' per event).'
-

Decision

1. The appeal is allowed in part and the LDC granted on 9 June 2015 under application Ref 15/01223/COL is modified as follows:

'First Schedule

The sui generis use of the land for clay pigeon shooting on up to a maximum of 22 Sundays each year between the hours of 10:30 and 15:30 only for the purposes of practice, private lessons, open shooting sessions and for the holding of competitions with up to a maximum of 100 'Guns' per event in breach of condition no 2 attached to planning permission reference 00/02600/COU dated 26 November 2002 ('the Development').

Background and Preliminary Matters

2. Planning permission was granted in November 2002 under Ref 00/02600/COU for the use of the land for clay pigeon shooting. The Council confirms that Condition 2 of that permission states:

'Shooting shall take place only on Wednesdays between the hours of 9:00 and 19:00 with a maximum duration of 6 hours'.

3. I understand that residents made complaints to the Council between the end of 2013 and 2015 regarding the extent of the use and its compliance with Condition 2 of permission Ref 00/02600/COU. This resulted in the subsequent LDC application.
4. Based on the evidence presented by the appellant, the Council concluded that a continuous breach of Condition 2 attached to Planning Permission reference 00/02600/COU had continued on Sundays for more than 10 years prior to the date of the application and, as such, no enforcement action could be taken in respect of the breach. It found no evidence that the limitations imposed by the condition in relation to Wednesdays had been exceeded nor that the use on any other days for various times had been continuous over a 10 year period.
5. In granting the LDC, the Council specified in the First Schedule the use of the land on up to a maximum of 22 **Sundays** each year between the hours of 10:30 and **14:00** only for the purposes of practice, private lessons, open shooting sessions and for the holding of up to **6 Major Events** [*my emphasis*]. It further restricted the number of guns at such major events to a maximum of 100.
6. The appellant contends that the hours of operation have been misunderstood by the Council, and therefore misapplied. He also considers that there are no grounds for a 'Major Event' to be defined for the purposes of the LDC and that the maximum number of guns specified by the Council for such major events is, in any event, inaccurate.
7. To this end, the appellant has suggested an amendment to the wording of the First Schedule as follows:

'The sui generis use of the land for clay pigeon shooting on up to a maximum of 22 Sundays each year between the hours of 10:30 and 15:30 only for the purposes of:

 - (a) *Practice and private sessions, and*
 - (b) *Open shooting sessions to include competitions in breach of condition 2 attaching to planning permission reference 00/02600/COU dated 26 November 2002 ('the Development')*.
8. I have received objections from interested parties which relate primarily to the effect of the suggested amendments on their living conditions. However, the planning merits of the existing use subject of the LDC are not relevant, and they are not therefore an issue for me to consider in the context of an appeal made under s195 of the Act.
9. The onus of proof in an LDC application rests with the appellant, the relevant test of the evidence being the balance of probability.

Main Issue

10. Against the background that I have described, the main issue is the extent of the *sui generis* use of the land for clay pigeon shooting in breach of a planning condition subject to which planning permission was granted.

Reasons

11. Under section 171B(3) of the 1990 Act (as amended), no enforcement action may be taken after 10 years from the date of any breach of condition. Any unauthorised breach must continue substantially uninterrupted to acquire immunity from enforcement action.
12. It is clear that in determining the LDC application, the Council considered there to be sufficient evidence to establish that the land had been used for clay pigeon shooting on up to a maximum of 22 Sundays each year between the hours of 10:30 and 14:00. It therefore identified the extent of the use in the First Schedule of the LDC accordingly.
13. However, in support of the appellant's claim that the Council has misunderstood and thus misapplied the hours of operation, I have been provided with clarification in relation to the '*Schedule of Clay Pigeon Shooting Events*' that were recorded with the Clay Pigeon Shooting Association (CPSA) and submitted in support of the LDC application. The appellant asserts that it has been clarified with the CPSA that the column in the schedule relating to 'End Time' refers not to the time for clay pigeon shooting activities to cease, but the end time for a participant or 'gun' to have registered his arrival at the premises to participate and shoot clays.
14. To this end, I have had sight of extracts from the publications '*Clay Shooting*' dated March 2010, Summer 2010 and July 2011 together with '*Pull*' dated June 2010, November-December 2011, October 2012 and January-February 2013 advertising clay pigeon shooting events, including those at Podimore with Sunday shooting times of between 10:30am and 16:00. In particular, the advertisement from the 2013 edition of '*Pull*' specifies '*Entries 10:30am - 14:00pm*'.
15. I have also been provided with evidence from the CPSA's National Development Manager, Mr Richard Worthington who, in an email dated 23 February 2016, describes the accepted convention that the advertised 'finish' time refers to the time by when the last gun entries shall have been made and not the time when shooting stops. Mr Worthington adds that the norm for shooting is to finish approximately 2 hours after the given end time for what he describes as a 100 bird registered shoot.
16. This convention is re-iterated in an email from Mr Faulds MBE, dated 28 March 2016, who states that it is widely recognised that at a competition entry times are given, for example 10:00 – 14:00. If a card is purchased at 14:00 (last entry time) that person would be given 20 minutes grace before starting a competition. Therefore a 'stop shooting time' would be much later than the 'last entry' time.
17. Separate representations from interested parties who have used Podimore Shooting Ground confirm their understanding of the advertised times to relate to entry times, and not to finish times, in accordance with the Industry Standard and what they consider to be common to the majority of shooting grounds.
18. Based on the evidence before me, and given that there is no substantive evidence to the contrary, it seems to me that the advertised end times and those shown in the Schedule of Events were, in fact, the times of the last gun

entries rather than the times by which the shooting would cease. Although interested parties have referred to an extension in the operating hours and intensity of use in recent years, I have not been provided with any exact days, dates and times. Whilst the additional pieces of evidence clarifying this point are from 2016, it is probable that the practice of advertising the last entry times would have been so prior to this year. There is no reason to believe this practice has changed.

19. Thus, in specifying the hours of operation in the First Schedule as between 10:30 and 14:00, the LDC does not accurately reflect the times that, on the balance of probability, the shooting has occurred on a Sunday for a continuous period of 10 years, so as to be immune from enforcement action. I thus consider it appropriate to modify the First Schedule of the LDC accordingly in this regard.
20. Turning to the matter of the 'Major Events' and the associated restriction on the number of such events and 'guns' per event as specified in the First Schedule. The Council states that its definition of a major event was based on that used by the Chartered Institute of Environmental Health in its publication '*Clay Target Shooting – Guidance on the Control of Noise*' 2003.
21. In taking this position on 'Major Events', the Council concluded that the evidence amounted to no more than six per year attracting in excess of 50% more participants than normal and up to a maximum of 100 'Guns' per event over a continuous ten year period.
22. In my opinion, an assessment of '*50% more participants than normal*' for the purposes of a limitation in the First Schedule is arbitrary since there cannot be a fixed number of participants per event which would enable an accurate assessment of whether the number of guns (or entrants) was higher than 'normal'.
23. I also note that the limit on the number of guns in the Schedule restricts that in relation to major events only. Put another way, as currently worded, the restriction does not apply to practice, private lessons or open shooting sessions.
24. Nevertheless in order to define a 'Major Event' for the purposes of the Schedule, prior to issuing the LDC the Council asked the appellant to confirm how many of the events listed in the spreadsheet of CPSA events attached to the Statutory Declaration of Kevin Newton were major events i.e. a regional, national or international competition. The response provided by the appellant on 1 May 2015 was a handwritten list containing 66 events which took place between April 2004 and September 2014.
25. Be that as it may, the appellant has subsequently stated that the limitation on 'Major Events' and the number of guns does not take account of the FSP and ESP events as regional, national or international competitions. To this end, I have been provided with a further copy of the CPSA data relating to the FSP and ESP fixtures from 1997 to 2016¹.

¹ I note that the period of fixtures covered by the spreadsheet has been extended to 2016, i.e. beyond that shown in the previous spreadsheet and the date the LDC application was made. I have therefore disregarded the figures which post-date 5 March 2015.

26. If I were to consider the ESP and FSP events as falling within the definition of 'Major Events', the figures shown in the table '*Analysis of Major Clay Pigeon Shooting Events June 2016*' provided by the appellant would amount to a greater number of national and regional competitions covering the period of 2004-2015. They would most certainly exceed the six per annum specified by the Council.
27. Notwithstanding the appellant's list of major events provided to the Council in advance of the issuing of the LDC, it seems to me that both the FSP and ESP fixtures can constitute regional or national competitions. I cannot therefore see how they can legitimately be excluded. It therefore follows that based on the submitted evidence it has been demonstrated, on the balance of probability, that these competitions have been occurring regularly for a continuous period of 10 years in numbers exceeding the 6no specified by the Council.
28. The appellant alleges that the Council has arrived at the number of guns specified simply by dividing the total number of guns by the number of events to arrive at an average of 94.5 guns per event (rounded up to 100). There is no evidence before me that the Council applied an alternative methodology.
29. In any event, I note from the lists of FSP fixtures that a small proportion of the Fixtures from 2004-2015 attracted more than 100 guns per event. However, this appears to be on an *ad hoc* basis. Whilst the number of guns in the corresponding ESP events was greater during the same period, such instances are sporadic and occur with more regularity in more recent years. This correlates with the residents' complaints that the use has intensified since 2013.
30. The appellant tells me in his grounds of appeal that the number of participants for England selection are in the order of 180-200 with GB selection up to 160 guns. He also contends that regional county events attract up to 160 guns and normal competitions between 50-100 guns. I do not dispute that this may be the case in some instances.
31. Nevertheless, based on the evidence before me, I do not consider that such competitions have occurred and attracted this number of guns on a sufficiently regular basis to establish a lawful position over a continuous 10 year period. Rather, I am led to the conclusion that the Council has, at least, some evidential basis for finding up to a maximum of 100 guns per 'event' or competition.
32. An LDC is not granted on the basis of how many guns the Shooting Ground can attract or has attracted on an *ad hoc* basis, but whether the evidence points to that level of use having been established over a continuous 10 year period. The wording suggested by the appellant would provide no restriction on the number of guns at competitions.
33. In this context and based on the submitted evidence, I do not find that it has been demonstrated that, on the balance of probability, the level of use amounting to that proposed by the appellant's alternative 'First Schedule' wording has subsisted continuously for a period of 10 years or more prior to the date of the LDC application.

Conclusion

34. For the reasons I have given, the Council's decision to specify in the First Schedule the extent of the use for which it has granted the LDC was, overall, well founded, but with an amendment to the shooting times and the removal of the reference to 'Major Events' and its substitution with 'the holding of competitions with up to a maximum of 100 Guns per event', so as to reflect that which has been occurring for a continuous period in excess of 10 years prior to the date of the application.

Melissa Hall

Inspector

Appeal Decisions

Site visit made on 17 January 2017

by **J J Evans BA Hons MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 February 2017

Appeal A Ref: APP/R3325/W/16/3158521 Leigh Farm, Stoke Trister, Somerset BA9 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Gale against the decision of South Somerset District Council.
 - The application Ref 16/01950/FUL, dated 24 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is the conversion of South Cottage into two cottages.
-

Appeal B Ref: APP/R3325/Y/16/3160270 Leigh Farm, Stoke Trister, Somerset BA9 8LE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Rob Gale against the decision of South Somerset District Council.
 - The application Ref 16/01951/LBC, dated 24 April 2016, was refused by notice dated 22 June 2016.
 - The works proposed are the conversion of South Cottage into two cottages.
-

Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. Leigh Farmhouse is a grade II listed building, and its associated historic agricultural buildings have been regarded by the main parties as curtilage listed. As required by Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
4. The Council's decision notice and the appellant's appeal form referred to the site address as being 5 Leigh Farm Cottages, Leigh Farm. However, the red site line area includes two other cottages and for that reason I have referred to the address as described on the appellant's application form as this more accurately describes the proposal.
5. As set out above, there are two appeals on the same site, one for planning permission and the other for listed building consent. They seek the conversion of a single dwelling into two, with associated parking provision. I have

considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

6. Drawing ref 3756/01 was annotated as being the existing situation. It was apparent from my visit that Unit 5 did not have two sitting rooms or two kitchens as shown on this drawing and that it had an existing store building. The main parties have confirmed that Unit 5 is a single dwelling with one kitchen, one sitting room and an attached store. For the avoidance of doubt I have determined the appeal with regard to the conversion of a single cottage into two.

Main Issues

7. There is no dispute between the main parties as regards the impact of the proposed conversion on the historic form and fabric of the listed barns. Consequently, the main issues are *firstly*, whether the proposed parking provision associated with the conversion of a single cottage into two cottages would harm the setting of grade II listed buildings; *secondly*, whether the proposal would provide adequate living conditions for existing and future residents; and *thirdly*, whether the proposed conversion would provide a suitable location for a dwelling, having regard to the principles of sustainable development.

Reasons

Heritage Matters

8. The appeal site comprises former agricultural barns that have been converted into dwellings. The historic form and function of the farmhouse and its agricultural buildings, their construction from local materials and their positioning to create a yard is part of the special interest of the former farmstead. Even though the agricultural use of the farm has ceased, the former use of this group of historic buildings remains legible, as is their previous functional interdependence and the linkages between them and the surrounding countryside. This is part of the special interest of these buildings and an important part of their settings.
9. The proposed layout would position parked vehicles to the front and side of the building. The number of spaces may meet the Council's parking provision requirements. However, to achieve this level of provision would necessitate vehicles being parked very close to the converted buildings, including near to doors and openings.
10. This and the regimented layout would unacceptably exaggerate the constrained nature and dominance of the parking, and would be at harmful odds with the former functional use and interdependence of the buildings and their relationship with the yard. Moreover, the provision of a tenth space at the end of Unit 6 would intrude a parked vehicle into the access track, the degree of which would be exacerbated by having to park away from the drain at the end of this building. As such the cramped dominance of the parking would unacceptably harm the significance of this group of listed buildings.
11. I accept the yard is already being used for parking, and I note there is disagreement between the parties as to the level of provision. From the evidence before me including what I saw on site, the presence of footways, soft landscaping and outdoor amenity space provides physical and visual relief from

parked vehicles. Even if existing residents choose not to use a garage for parking, and the conversion would not increase the number of bedrooms, it does not follow that the new households would only have one vehicle.

12. The National Planning Policy Framework (the Framework) requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The parking would result in less than substantial harm due to the comparative size compared to that of the farmstead as a whole. The appellant has referred to a need for smaller dwellings, but such provision would be a very modest public benefit that would not outweigh the harm I have found.
13. The Framework requires great weight to be given to the conservation of the significance of a designated heritage asset. In this instance the conversion of a single cottage into two would unacceptably harm the setting of a listed farmstead. This would fail to accord with Policies EQ3 and EQ2 of the South Somerset Local Plan (2015) (LP), that require amongst other things, high quality development that safeguards or enhances the significance of heritage assets, thereby reflecting the Framework.

Living Conditions

14. The parties disagree as to the dimensions of the proposed parking spaces, with the Council concerned that they would not meet the requirements of Manual for Streets. The spaces shown vary in size and some are positioned directly in front of both doors and windows. The cramped nature of the layout would compromise easy access to the doors of the buildings and this would not be the high quality design or the good standard of amenity for all existing and future occupants of land and buildings sought by the Framework.
15. Manoeuvring within the yard would be constrained by both the proposed parking layout and the existing uses. Getting into and out of spaces particularly at the southern end of the yard would require a number of movements. To turn near the farmhouse as suggested by the appellant would necessitate reversing the length of the yard, then having vehicle movements occurring very close to the ground floor windows of this property. As such existing and future residents would experience unacceptable and frequent noise and disturbance.
16. Thus, the proposal would neither be high quality design nor provide adequate living conditions for existing and future residents. This would be contrary to LP Policies EQ2, TA5 and TA6. These seek, amongst other things high quality design and appropriate levels of design led parking.

Sustainable Location

17. Although there are a cluster of dwellings near the former farmstead, the proposed dwellings would be positioned within a countryside location. The appellant has referred to the presence of a number of facilities being within walking and cycling distance. However, to get to these would be via busy roads, and near to the site there are neither pavements nor lighting. The route of a nearby public footpath has not been provided so I cannot assess whether it would provide a safe or convenient alternative to the private car. On the basis

of the evidence before me, future residents would be reliant on a car to access day to day services and employment.

18. Reference has been made by the appellant to the need for single bedroom homes, with there being a waiting list for the proposed dwellings. Be that as it may, paragraph 55 of the Framework and LP Policies SD1, SS1 and SS2 seek to control development in the countryside. Even with the Council's shortfall in housing land supply the adverse impacts of granting permission would significantly and demonstrably outweigh the modest benefits of an additional dwelling. Taken as a whole, the proposal would not be the sustainable development required by the Framework, nor that of the above referenced LP policies.

Other Matters

19. Concerns regarding land ownership, including existing parking issues, have been drawn to my attention. However, these would be a matter for the relevant parties to resolve, and have not had any bearing on my assessment of the planning issues in this appeal.
20. Finally, the appellant has pointed out the presence of a number of structures and buildings within the garden of the listed farmhouse. Whether these have planning permission would fall to be pursued by other means separate from the appeal process and is not for me to consider.

Conclusion

21. The proposed parking provision associated with the conversion of a single cottage into two cottages would unacceptably harm the setting of grade II listed buildings. The scheme would not provide adequate living conditions for existing and future residents, nor would it be a sustainable location for a further dwelling. For the reasons given above and having considered all other matters raised, the appeals are dismissed

J J Evans

INSPECTOR

Agenda Item 16

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 11.15am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 11am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
17	CARY	16/04434/FUL	Conversion of St John's Priory to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory	The Priory, Priorygate Court, Castle Cary	Mr Bob Berridge
18	CARY	16/04435/LBC	Conversion of St John's Priory to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as replacement, together with 3 no. detached houses to south of the Priory,	The Priory, Priorygate Court, Castle Cary	Mr Bob Berridge

			and 2 no. 2 bed houses sited at the entrance to the Priory		
19	BLACKMOOR VALE	17/00242/S73A	Application to vary planning condition 3 of approval 15/02718/FUL to allow the developer a 25 year period from the date of first generation of the solar park and not from the date of the planning permission	Land OS 0034 Bowden Lane Henstridge	Bowden Lane Solar Park Ltd

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 17

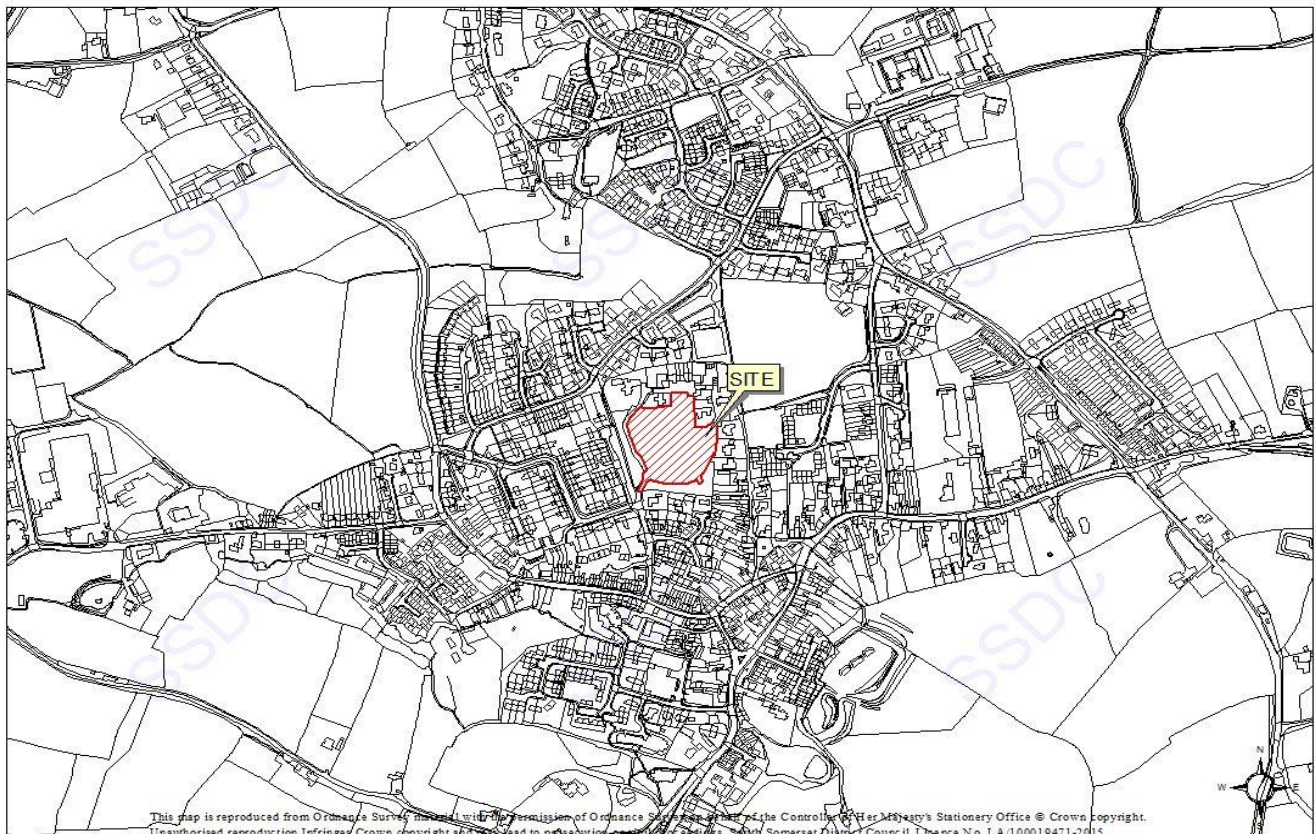
Officer Report On Planning Application: 16/04434/FUL

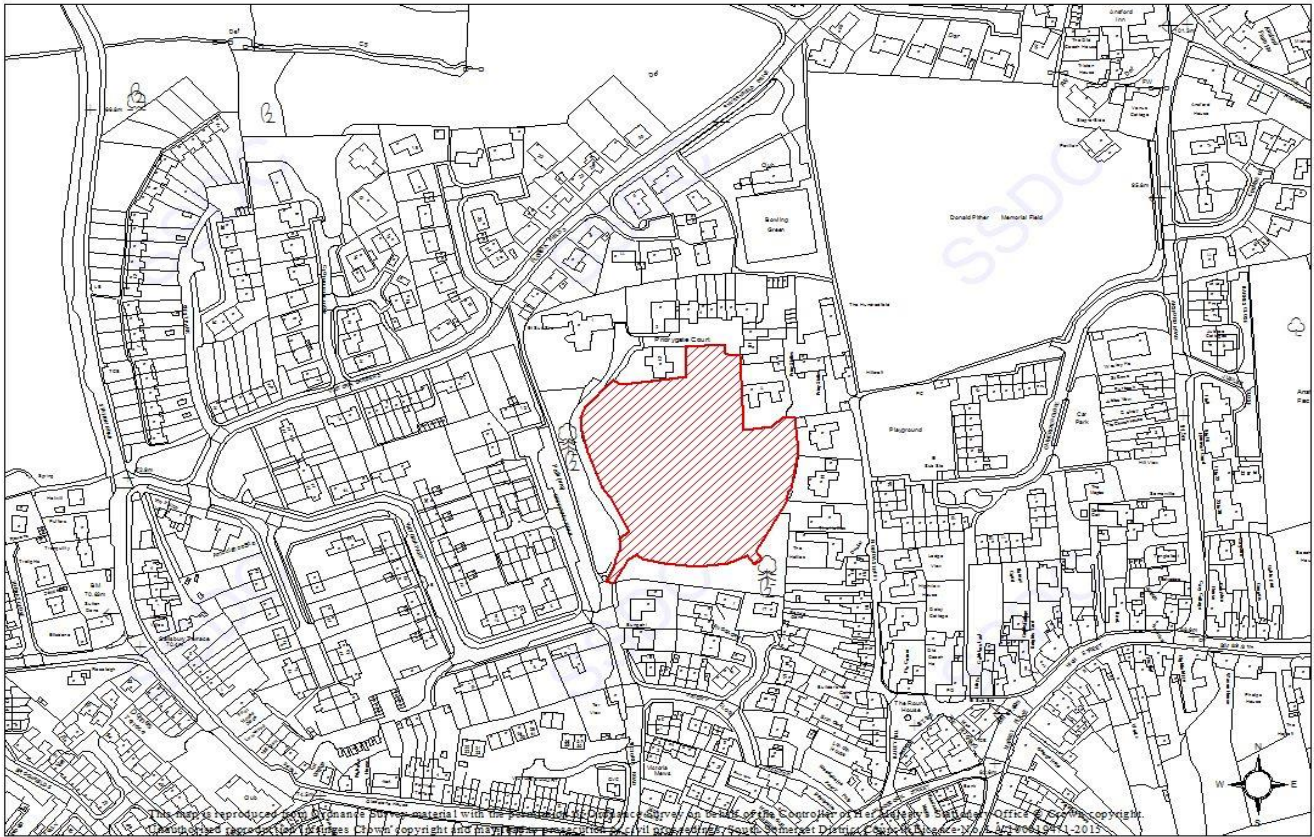
Proposal:	Refurbishment and conversion of St John's Priory (Formerly Florida House) to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory.
Site Address:	The Priory Priorygate Court Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	13th January 2017
Applicant:	Mr Bob Berridge
Agent: (no agent if blank)	Mr Christopher Brooks BN1 Architects 202 Ditchling Road Brighton BN1 6JE
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area vice-chair, in order to allow the concerns of local residents to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks permission to refurbish and convert an existing large house into one 4 or 5-bedroom house, three 1-bedroom apartments and one 2-bedroom apartment. It also seeks permission for the conversion of an existing coach house to form two 2-bedroom semi-detached houses, for the demolition of the existing pool structure and its replacement with two bungalows, the erection of three detached dwellings to the south of the existing house, and for the erection two detached dwellings as gatehouses at the entrance to the site. The site consists of a derelict mansion and its outbuildings set within somewhat overgrown grounds. The site is close to various residential properties. The site is within a development area and a conservation area as defined by the local plan. The existing house is a grade II listed building.

Plans show the refurbishment and conversion of the main house to form a single large dwelling and three apartments. They show the erection of two 2-storey, 2-bedroom 'gatehouses' at the entrance to the site, and three 2-storey, 4-bedroom houses to the south of the existing grounds. Vehicular access to the refurbished main house and the 'gatehouses' will be via the existing southwest entrance to the site. Plans show the demolition of an existing pool house directly to the east of the main house, and its replacement with two 2-bedroom bungalows, constructed as lean-to structures off the existing boundary wall of the site. These will be accessed via the existing private road to the south and east of the site (as will be the proposed 4-bedroom houses). The bungalows will be served by a new car port proposed at the easternmost edge of the site, linking to each other by a newly proposed gravel path. It is proposed to convert an existing coach house into two dwellings. The coach house dwellings and the three apartments in the main house will be accessed via the existing road to the west and north of the site and will be served by a parking area to the north of the main house.

HISTORY

16/04435/LBC - Refurbishment and conversion of St John's Priory (Formerly Florida House) to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as

replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory - Pending consideration.

06/02747/LBC - The conversion of the Priory building, attached structures and adjacent garage/office building into 14 no. apartments together with associated parking spaces - Application withdrawn 29/11/2006

06/02748/FUL - The conversion of the Priory building, attached structures and adjacent garage/office building into 14 no. apartments together with associated parking spaces - Application withdrawn 30/11/2006

98/02617/FUL - The construction of an enclosed swimming pool and the erection of a conservatory attached to the Priory - Application permitted with conditions 15/02/1999

98/02619/LBC - The construction of an enclosed swimming pool and the erection of a conservatory attached to the Priory - Application permitted with conditions 15/02/1999

98/02624/FUL - Erection of a two bay garage block with office and residential accommodation over in lieu of previously approved five bay garage block - Application permitted with conditions 15/02/1999

98/02375/FUL - The erection of a detached dwelling with swimming pool on plot 1 (amended design) - Application permitted with conditions 24/09/1999

98/01285/FUL - Erection of a four bay garage block and reduction in size of approved garage block - Application permitted with conditions 13/08/1999

97/02647/LBC - Carrying out of internal and external alterations to include the provision of doors in two existing window openings - Application permitted with conditions 31/12/1997

97/02464/FUL - The erection of 13 dwellings and the conversion of outbuilding to one dwelling - Application permitted with conditions 13/01/1998

97/00917/LBC - The demolition of single storey buildings - Application permitted with conditions 10/07/1997

97/00918/FUL - Change of use of priory building to one dwellinghouse - Application permitted with conditions 16/06/1997

97/00520/OUT - The construction of access roads, the erection of 10 dwellings and the conversion of outbuilding to 1 dwelling - Application permitted with 10/07/1997

97/00521/LBC - The demolition of a single storey building - Application permitted with conditions 10/07/1997

96/02876/FUL - The conversion of coach house into a dwelling - Application permitted with conditions 28/01/1997

96/02877/LBC - The conversion of coach house into a dwelling - Application permitted with conditions 28/01/1997

96/00265/FUL - Conversion of stable block into a dwelling - Application permitted with conditions 19/03/1996

96/00266/LBC - Conversion of stable block into a dwelling - Application permitted with conditions

29/03/1996

95/02663/LBC - The re-siting of entrance gates and pillars - Application withdrawn 21/03/1996

95/02653/OUT - The erection of 17 dwellinghouses - Application withdrawn 21/03/1996

95/05265/FUL - The use of main priory building as a residential nursing home - Application permitted with conditions 20/11/1995

95/05266/FUL - The use of main priory building as hotel and conference centre - Application permitted with conditions 20/11/1995

95/05267/FUL - The use of main priory building as office accommodation - Application permitted with conditions 20/11/1995

95/05264/OUT - The erection of fourteen dwellinghouses and to include amended access proposals (outline) - not found 01/04/1996

95/05262/FUL - Conversion of stable block into two dwellings and provision of parking area - Application refused 13/12/1995

95/05263/LBC - Conversion of stable block into two dwellings and provision of parking area (listed building consent) - Reg3 County (SSDC raise objections) 13/12/1995

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Castle Cary Town Council - Recommends approval, but makes the following suggestions to be taken into consideration:

- The developer considers a larger parking area without a carport and with a turning circle by the gates to number 11.
- The residents might negotiate to buy the village green.
- The developer to place screening between the village green and the car parking and make the car parking of a 'grass mesh' material to maintain a grassy effect.
- An appropriate outer housing to be put in place around the large rubbish bin.

County Highway Authority - Originally raised no objections. On the receipt of amended plans they offered the following advice:

"Looking at the amended plans, the overall change is would not appear to have a detrimental impact on the Highway.

The new build at the southern end of the application appears to have not had any changes. The two 'gatehouses' with two bedrooms which have been added due the relocation of the pool house dwellings which have sufficient parking.

There is still sufficient parking within the site and turning which will allow vehicles to enter the highway in a forward gear and would not pose a significant highway safety concern.

Taking the above into account, the Highway Authority does not wish to raise an objection to the application..."

They suggest conditions to control:

- Repairing damage to the public highway
- Securing the submission and implementation of a construction traffic management plan
- The disposal of surface water so as to prevent discharge onto the highway
- Securing the provision and retention of the proposed parking and turning.

SSDC Landscape Architect - *"As now presented, the 3 detached houses to the south of The Priory are to be cut into the ground, with levels broadly equating to that of the access road to the south. The resultant level differential between the site and the Priory's grounds is to be taken up by gabion walling, with hedging above. The relative levels are indicated on the sectional elevations, drawings SK.014A and SK.015, and this indicates the new build as being sufficiently set down to be acceptable. There is a certain amount of cut between the proposed new lodges and the grounds, and similarly this approach will play down the impact of the new build from the front of the Priory. However, what is critical is that the housing's boundaries are softened and regularised as viewed from the Priory. Some amendment has been made to the planting proposal, drawing ATC/350 appendix 6 rev1 - strategic landscape plan. It indicates that other than the access drive trees, other tree planting is pushed back from the Priory such that it continues to enjoy an open area to its front, which I agree to be the correct approach. However, I consider that the fringe of the open space should be fringed predominantly by shrub planting, such that there is a consistent treatment that masks the hedge around the new build, and unifies the existing planted areas, which will respect the immediate setting of the listed building. Neither am I entirely convinced that hedging to contain the residential sites, is a practicable solution, for their management will not be straightforward.*

I have previously advised that in terms of species, the mix is predominantly - but not exclusively -

deciduous, and that the species palette is limited, to bring a coherence to the planting scheme. Whilst I am seeking some further amendment before we have an agreed plan, I consider that the current plan is sufficiently heading in the right direction for the fine-tuning to be conditioned."

SSDC Tree Officer - *"In my opinion, the only significant proposed tree loss would be the mature Oak (T412) to make room for Plot 3. However, the Oak does not appear to be particularly prominent to Public view from within the town and it adjoins a large Lucombe Oak of similar stature. The proposed loss of the Oak might even improve architectural views of The Priory, as seen from the wider landscape. The Priory is framed by a diverse range of large evergreen and deciduous specimen trees that provide a variety of complimentary forms which are prominent to view. An outline landscape plan has been submitted to ensure the planting of a future generation.*

I believe that the submitted layout and tree protection measures have been carefully considered to minimise the arboricultural impacts of the proposal. If consent is to be granted, I would be grateful if you would ensure the implementation of appropriate tree protection and planting measures."

SSDC Ecology - Initially raised significant concerns with the proposal, advising that no permission should be granted until further bat surveys had been carried out. On the receipt of additional information, he offered the following advice:

"In my response dated 16 January 2017, I advised there wasn't sufficient information (bat surveys) and in accordance with guidance and common practice, advised against grant of planning permission until further summer bat emergence surveys have been completed.

I have since met on site with the applicant and their ecological consultant, and given further consideration to this case. The applicant has also submitted further supporting information including a plan indicating locations of retained and compensation bat roosts to be provided in loft spaces of the Priory, and an 'Advanced Bat Mitigation Strategy' (Andrew Waller 2/2/17) that outlines other mitigation proposals.

There have been ongoing problems with site security and damage to the property from vandalism. As well as a threat to the fabric of the buildings, this also presents a significant risk to the bats and their roosts which in a worst case scenario could result in significant harm to bats and loss of a bat roost of moderate/high conservation importance. I therefore consider this to be an exceptional circumstance that justifies a departure from normal practice.

I therefore now consider it preferable not to delay the application (and associated site presence and security that would follow a grant of planning permission), and instead I recommend the summer bat emergence surveys, and submission of further bat mitigation details, are made the requirement of a condition...

... Slow worms could potentially be present on site due to the presence of suitable habitat.

Slow worms are a declining species and have consequently been included as a 'priority species' for the conservation of biodiversity (section 41 of the NERC Act 2006). They therefore need to be taken into account in the planning process.

They are also legally protected (Wildlife and Countryside Act 1981, as amended) against deliberate and reckless harm or killing (such as could occur from construction activity). However, the legislation protects only the animals themselves and not specifically their habitat. Consequently, provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development.

However, further details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect...

...Badger setts are present on site. The main area of sett activity is in an area that won't be directly affected by development and hence the sett can be retained. However, there is potential for outlier setts to be created in areas that could conflict with development activity, or for indirect impacts to the main sett. I therefore recommend a condition..."

He recommends specific conditions and then goes on to note the following:

"An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

See appendix 1 for Natural England guidance on tests 1 and 2.

In respect of test 3:

Evidence in the form of significant numbers of bat droppings, and confirmation from DNA analysis, indicate loft voids in the Priory are used for roosting by lesser horseshoe bats. Numbers of bats and type of roost (e.g. maternity or not) aren't yet known and neither are the roost access points. Due to a known history and ongoing threat of vandalism, and consequent risk to bats and their roosts, further survey work will be made the requirement of a condition rather than requiring prior to grant of planning permission.

Inspections didn't find any evidence of bats using the coach house or the pool building on site.

In respect of mitigation, a project phasing program submitted by the applicant shows works to the Priory to be scheduled only after the further bat emergence surveys have been completed and mitigation has been devised. A planning condition will be used to enforce this restriction and to also restrict other works that could have an impact upon key flight lines. Retention and allocation of three loft spaces, of sizes/dimensions suitable for lesser horseshoe use, are indicated on plans. An 'Advanced Bat Mitigation Strategy' (Andrew Waller 2/2/17) gives outline mitigation measures that in addition to retained/compensation roosts also include impact avoidance measures for bat flight lines and light spillage.

Conditions will be used to ensure the further bat surveys and further bat mitigation details are submitted for approval by the local planning authority.

With the above measures, I conclude the proposed development can be undertaken without loss of the lesser horseshoe bat roost and favourable conservation status for this species can be maintained."

SCC Archaeology - No objections

Wessex Water - Notes that new water supply and waste water connection will be required from Wessex Water and advises how these can be obtained. They note the importance of the developer

undertaking a survey around the site to determine local drainage arrangements and the need to contact Wessex Water if certain sewer types are affected.

SSDC Strategic Housing - Notes that 35% of the housing should be affordable and states that this equates to the provision of five dwellings, three of which should be social rent and two other intermediate products. She requests a property mix of 1 bedroom flat, 2 two-bedroom houses, and 1 four-bedroom house. She states that the minimum space standards should be adhered to and that the legal agreement should include appropriate trigger points to ensure some of the affordable housing is provided in the event that the site is only ever partially built out. She states that she would expect that the affordable units are developed to blend in with the proposed housing styles, as an integral part of the layout. She then provides a list of approved housing association partners for delivery of affordable units.

SSDC Community, Health and Leisure - Requests the following contributions towards the provision of outdoor playing space, sport and recreation facilities:

- Equipped play space £8,488 (local)
- Youth facilities £1,667 (local)
- Community halls £6,165 (local)
- Playing pitches £5,532 (local)
- Changing rooms £9,554
- Theatre and art centres £3,712 (strategic)
- Commuted sums £9,645 (local)
- 1% Community, Health and Leisure Service administration fee £448

Overall level of planning obligation to be sought: £45,210 (£3,478 per dwelling)

SSDC Conservation Officer - Initially stated:

"I am satisfied that we have arrived at a point where I feel the design will not cause harm to the significance of The Priory. The work to the principle building has always been fairly straightforward. The main house will be retained as a single residential unit, which is essential for its ongoing conservation. A scheme to convert this into flats would cause great harm to the character of its interior.

The new builds have been more difficult. I would love to have a scheme that didn't include the new build units around the edge of the site, but I accept that this level of development is essential to make the scheme viable. These units have been designed and sited appropriately so as not to cause harm to the setting of the main building. They will have some impact without doubt, but with appropriate landscape mitigation and boundary treatments I am satisfied that this can be managed to a satisfactory level."

He then went on to raise objections to the originally proposed phasing, stating:

"...the phasing proposal needs more work. This appears to be the same one that was discussed over email with the agents last November, and doesn't appear to have been amended. The purpose of agreeing a phasing scheme through a s.106 agreement is to ensure that the repairs to the historic building are carried out at an early stage, alongside some of the new build work. This is to ensure that more profitable new build units are not constructed and sold off without undertaking the necessary repairs to the existing building. It is essential that the phasing scheme that we agree is straightforward and easy to enforce. Phases need to have a clear start and end time. It needs to be possible, through the S.106 agreement, to 'discharge' a particular phase through a site visit and formal letter before the subsequent phase can commence."

On the receipt of an amended phasing scheme, he stated:

"I am now happy with the phasing scheme as amended. Therefore I am in a position to offer my full support to the scheme.

I suggest splitting up the conditions for the new builds into three groups - pool replacement, lodge buildings and the three large houses in the southeast corner of the site. Conditions for these should cover all the usual external finishes and details including, materials (including samples of roof materials and sample panels of stone and render); eaves, verges and rainwater goods; window systems including recessing and lintel treatment; external fittings including pipework, lighting, vents and grills; and associated external surfacing / landscaping.

A condition needs to be used relating to works to the Coach House, which could be a simple single condition to cover all external repair and alteration, covering works to windows, stonework, roofs and any additional vents/flues etc.

A condition needs to cover full details of the car port building.

A landscaping condition, which is crucial to the success of the scheme. As well as planting this should include all hard surfacing and boundary treatments."

In regards to the principle building he suggests conditions to control:

- Details of bat mitigation measures
- Details of external repair
- Details of new doors, windows, boarding etc.
- Details of roof lights
- Details of any external features
- Details of any work to structural timbers
- Details of any services for new WCs, bathroom, kitchens or utility rooms
- Details of any new interior surfaces, including any making good
- Details of any alterations to doors
- Details of any work to upgrade existing floors and walls in relation to acoustic and fire separation between the units.

Avon and Somerset Crime Prevention Design Advisor - No objection or comments.

Somerset Wildlife Trust - Objects to the lack of an ecology statement.

Lead Local Flood Authority - States that the proposal falls below the requirements for LLFA statutory consultation.

Historic England - States that the application should be determined in accordance with national and local policy guidance, and on the basis of the LPA's specialist conservation advice.

SSDC Climate Change Officer - Raises an objection because the new build units have not been designed with solar photovoltaic panels in mind.

SSDC Area Development - Welcomes the proposal in general terms but raises concern a with the proposed pool house apartment block. She recommends that phasing or other suitable safeguards are put in place to ensure that the improvements to the Priory take place. She notes the submitted viability appraisal and states that a review should be factored in.

Somerset Waste Partnership - Initially raised concerns with the proposed bin storage and collection arrangements. On the receipt of additional information and amended plans they withdrew their objections to the scheme.

REPRESENTATIONS

Letters of objection were received from the occupiers of fifteen neighbouring properties and the occupier of one property in London. Objections were raised in the following areas:

- Use of/destruction of/damage to the 'village green'
- Highway safety including inadequate parking
- Construction traffic disturbance
- Ongoing disturbance from increased traffic
- Harm to the character of the area and the setting of the listed building
- Harm to the character of the listed building
- Harm to ecology/biodiversity
- Harm to amenity from bin storage arrangements
- Concern that the developer will not be able to meet financial obligations
- Inappropriate scale of development
- Loss of privacy to existing residents
- Damage/loss of protected trees
- Inability of local infrastructure to cope with further development
- Lack of local benefits

CONSIDERATIONS

Principle of Development

The site is located within the development area of Castle Cary, a local market town as defined by the local plan. Policy SS1 of the local plan directs development to existing settlements and states that in market towns "*...provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres.*"

In this context, the principle of residential development in this location is considered to be acceptable, and to accord with the policies of the local plan and the aims and objectives of the NPPF.

Heritage Impacts and Visual Amenity

The proposal involves the restoration of a much dilapidated grade II listed building, which is on the Council's buildings at risk register. It has become clear that the building will not be restored to a satisfactory state, without cross-funding from other development. The SSDC Conservation Officer has stated that the proposed new-build units, which would provide such cross-funding, have been designed and sited appropriately so as not to cause harm to the setting of the main building. However, he has stated that they will have some impact, which could be managed to a satisfactory level through appropriate landscape mitigation and boundary treatments. He has also stated that he would prefer to see a scheme that does not include any new build units around the edge of the site. Therefore despite his assertion that the proposal will cause no harm to the setting of the listed building, it must be concluded that there is some harm to the setting of the primary building, albeit very limited. However, such limited harm is clearly outweighed by the benefit of restoring the building, which must be seen as the primary benefit of the scheme.

To ensure that this primary benefit of the scheme is secured, it is necessary to very carefully control the phasing of the scheme. A broad phasing strategy has been agreed with the applicant that would

prevent the commencement of most of the new build units until the most important works to the listed building have taken place, and will prevent the occupation of the most valuable new build units until the Priory has been fully restored. The conservation officer has accepted that the proposed phasing scheme is now acceptable. It will be necessary to secure this phasing through an appropriate legal agreement between the applicant and the LPA in the event that permission is granted. Concern has been expressed locally that the applicant will not be able to meet their financial obligations, presumably in reference to the above concerns. However, it is considered that the above outlined phasing scheme would satisfactorily ensure that the building is fully restored if the proposed development takes place.

The conservation officer has accepted the design of the proposed changes to the listed building and the new-build units in its grounds, subject to a variety of conditions on any permission issued. The opinion of the conservation officer is considered to hold considerable weight in applications of this nature and, as such, contrary to local concerns, the impact on the character of the conservation area and the character and setting of the listed building is considered to be acceptable. The SSDC Landscape Architect was consulted as to the impact of the scheme on the wider area, and raised no objections subject to fine tuning through the imposition of landscaping conditions on any permission issued.

Therefore, notwithstanding local concerns regarding harm to the character of the area, the listed building and its setting, and an inappropriate scale of development, the proposal is considered to be of a satisfactory standard of design that would have no significant adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the local plan. The very minor adverse impact to the setting of the listed building is outweighed by the benefit of securing its restoration.

Residential Amenity

Concerns have been raised locally that the proposed development will adversely impact the privacy of neighbouring occupiers, and the general tranquillity of the area. However, due to the size and position of the proposed dwellings, it is not considered that there would be any demonstrable harm to the residential amenity of adjoining occupiers by way of overlooking. There will be no significant impact on neighbouring properties by way of overbearing or overshadowing. In regards to the general tranquillity of the area, additional dwellings (and the resultant vehicle movements and day to day activities of the future occupants) will inevitably create some additional level of disturbance. However, there is no reason to assume such disturbance would be unreasonable and beyond what would normally be expected in a residential area. The construction phase will also inevitably create disturbance. However such disturbance will be of limited duration and can be controlled to some extent through the imposition of a construction management plan condition on any permission issued.

Therefore the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

Ecology

Local concern has been raised as to the impact of the proposal on local ecology, and protected species are known to be present on site. As such, the SSDC Ecologist was consulted. He initially raised an objection to the scheme on the grounds that appropriate bat surveys had not been carried out and that permission should not be granted prior to the completion of such surveys. However, on the receipt of additional information from the applicant, he conceded that ongoing problems with site security and damage to the property from vandalism, as well as a threat to the fabric of the buildings, presents a significant risk to the bats and their roosts, which in a worst case scenario could result in significant harm to bats and loss of a bat roost of moderate/high conservation importance. He considers this to be an exceptional circumstance that justifies a departure from normal practice and therefore considers it preferable not to delay the application (and associated site presence and

security that would follow a grant of planning permission). He recommends the use of conditions to secure summer bat emergence surveys, and submission of further bat mitigation details. He also recommends the use of conditions in respect to slow worms and badgers. All the suggested conditions are considered to be reasonable and necessary.

As the scheme will result in the modification of a bat roost, the SSDC Ecologist has indicated that an assessment against the three Habitats Regulations tests will need to be made. The tests are:

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

In regards to the first test the applicant has made the following statement:

"The priory was taken over by the Sisters of Jesus Crucified for a period of time before it returned to being a single dwelling, for the past 10 years or so the Priory has lain derelict slowly dilapidating as time and weather conditions slowly broke down its fabric.

Over recent years the property has been regularly vandalised, with removal of lead flashings and tiles which have increased the amount of water penetration, to a point where, If nothing is done in the imminent future this 'Special Building' will be lost. It is possible that with the ongoing vandalism, a fire may occur which would also totally destroy the Building and the Bats which inhabit some of the loft space.

The current state of the Priory is a potential risk to anyone entering especially those without safety gear and knowledge of the current state of the internal floors, which in certain areas have already failed. Whilst our Client has made every effort to secure the building numerous attempts to break in have occurred, and it is highly likely that someone will eventually get hurt. This risk can be remedied by granting of Planning and Listed Building consent

Due to the current state of the Priory the proposed conversion of the house to a 4 Bedroom House and 4 apartments within the service wing is a responsible way to ensure the continuity of this Grade II Listed Building in perpetuity.

Financially in order to carry out the extensive works necessary to reinstate the interior of the Priory to its former glory additional works will be needed across the site and are as follows:

- *Conversion of existing Coach House into two Dwellings*
- *Demolition of existing Pool Building which is an eyesore, and replacement with two bungalows sitting subservient to the service wing.*
- *Provision of 3 No Contemporary Houses to the south of the site*
- *Erection of a pair of Gate Houses forming a formal approach to the Priory*

Due to the grandure of the building and the extent of roof space, some redevelopment within the roof space is necessary to provide sufficient funds to carry out the remedial works to reinstate the building to a safe habitable condition.

Our Ecologist report sets out agreed areas of roof space which exceed 300 cu m agreed with the SSDC Ecologist as good Bat roosting areas. These areas will have additional soundproofing to ensure that the Bats remain undisturbed.

This shows our Clients commitment to ensuring the roost is safeguarded."

The proposal is therefore considered to meet a purpose of overriding public interest and consequently the first test is satisfied.

In regard to the second test and the 'do nothing' scenario the applicant has made the following statement:

"It is clear from photographic evidence (attached) that there has been substantial damage to the building by water ingress, dry rot, wet rot and vandalism. There has in the past been minor Fire damage which if unchecked could lead to a catastrophic situation. If nothing is done to make good the ongoing breakdown of the fabric, the entire building is likely to fail, whether by structural failure or vandalism there will not be a space for the protected bats. Previous planning applications have failed to meet with approval and it is felt that this application is critical in saving the Priory from the vagaries of time and weather and also importantly, the protection of a roost of protected Bat species."

As such, there is considered to be no satisfactory alternative and consequently the second test is satisfied.

In regard to the third test the SSDC Ecologist's comments are noted in full above. He has stated that *[c]onditions will be used to ensure the further bat surveys and further bat mitigation details are submitted for approval by the local planning authority.*

With the above measures, I conclude the proposed development can be undertaken without loss of the lesser horseshoe bat roost and favourable conservation status for this species can be maintained." As such, the third test is satisfied.

Highways

Significant local concerns have been raised as to the impacts of the proposal on highway safety both through increased use of the existing substandard roads and insufficient parking proposed. The county highway authority was consulted as to these impacts and concluded that there would be no significant highway safety concerns, subject to the imposition of various conditions on any permission issued.

The Town Council have requested that the developer considers a larger parking area without a carport and with a turning circle by the gates to number 11. However, such a change is not considered necessary by the county highway authority and would not be achievable within the constraints of the existing protected trees on site.

As such, notwithstanding local concerns, it can be concluded that there will be no significant adverse impact on highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Trees

Local concerns have been raised in regard to the potential for loss of and damage to protected trees on site. The SSDC Tree Officer has considered the scheme in detail and concluded that the impacts will be acceptable, subject to the imposition of certain conditions on any permission issued. Such conditions are considered to be reasonable and necessary. As such the impact on protected trees is considered to be acceptable in accordance with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan.

Waste and Bin Storage

Concern has been raised locally that the proposed recycling and waste storage arrangements are not satisfactory and are likely to cause disturbance to existing residents. The Somerset Waste Partnership

was consulted and agreed that the proposed arrangements are acceptable from their point of view. Due to the proposed position of the bin storage facility and suggested collection points, there is unlikely to be any significant impact on the residential amenity of neighbouring occupiers. The neighbours' concerns regarding hygiene are noted, but there is no reason to assume that the proposed arrangements for domestic waste are likely to cause any issues in this regard.

Open Space

The area of concern that appears to be most exercising local occupiers is the impact of the proposal on the area of open space to the north of the Priory buildings, which appears to be known locally as the 'village green'. The 'village green' consists of a larger area of grass separated from a smaller area of a grass by a tarmac driveway, and containing several trees and shrubs. The proposal initially submitted involved the loss of much of the 'village green' to the erection of an apartment building. This loss has been removed from the current iteration of the proposal. The current proposal involves the use of the smaller grassed area for parking and for a bin store, and the use of a portion of the larger grassed area for parking. The town council have suggested that this parking area is surfaced with a 'grass mesh', to which the applicant has agreed, and which can be secured through the imposition of an appropriate condition on any permission issued. The town council have also suggested that screening should be erected between the proposed parking and the 'village green', however it is not clear that such screening would serve a useful planning purpose, and may even serve to make the space less flexible.

In the original approved drawings for the nearby dwellings the 'village green' area is shown as a 'courtyard' with no obvious access from surrounding properties. No conditions of the planning permission pertain to its use. Some later drawings submitted to discharge planning conditions show it in its current state and labelled 'village green', which is possibly where the impression locally that it has some official public open space use arises from. However, these discharge of condition drawings do not outweigh the official approved plans for the scheme. The 'village green' therefore does not have any statutory protection as an area of public open space. It is in the ownership of the applicant and its use by the surrounding community could be stopped with no recourse to the planning system. It is understood that it is currently maintained by the existing residents association, however the maintenance and use of the area is at the sufferance of the applicant.

Therefore, whilst the loss of any of the green space currently enjoyed by the existing residents of the surrounding properties is regrettable, it would not be reasonable to withhold permission on that basis. It is noted that a significant proportion of the existing green space is to be retained and the applicant has offered to transfer this remaining land to a management company to allow it to be used by all residents of the existing and proposed developments in perpetuity. Such a transfer is not necessary to make the development acceptable, so it cannot be secured through the planning system. However, it would not be unreasonable to use a condition to remove permitted development rights for outbuildings and means of enclosure on the land to ensure that it remains open to preserve the setting of the listed building. It is further noted that the 'village green' is not the only green area available to residents of the existing estate; each property benefits from its own private garden.

The town council have suggested that the residents might negotiate to buy the village green. This would be a matter between the residents and the applicant and not a matter that the planning system could be involved with.

Contributions

Policy HG3 the adopted South Somerset Local Plan requires that 35% of the proposed units are affordable housing. However the applicant has carried out a viability assessment, which has been checked by the independent District Valuer (DV). The DV has agreed that in current market circumstances the scheme is unable to support the provision of any on-site affordable housing. As

such, in accordance with policy HG3 of the local plan, a reduction of provision (to zero in this case) is considered to be acceptable. However, as suggested by the DV, a review mechanism should be included in any section 106 agreement to recoup a fair proportion of any available surplus in the event that improved market conditions result in a surplus or 'super normal' profit for the applicant.

£45,210 (£3,478 per dwelling) of contributions towards the provision of outdoor playing space, sport and recreation facilities has been requested by the SSDC Community, Health and Leisure department. Such a request is considered to be reasonable and in line with local plan policies, and the DV has not agreed that it should be waived. However, no suitable mechanism to secure such a contribution has been submitted by the applicant and, due to the timescales involved, it would not now be possible to get such a mechanism in place before the 3rd April 2017, when the Community Infrastructure Levy (CIL) comes into force in the district. The applicant has therefore agreed that any permission should not be issued until at least the 3rd April 2017 and is aware that any such permission would then be liable for CIL. CIL liability would replace the outdoor playing space, sport and recreation facilities contributions discussed above.

Other Matters

The town council have suggested that an appropriate outer housing is put in place around the large rubbish bin. A housing of buff brick with cedar doors for the bin in question is proposed and has not been objected to by the SSDC Conservation Officer.

A concern has been raised that local infrastructure is inadequate to cope with the proposed development. However, there appears to be no evidential basis to withhold permission on the grounds of significant adverse impacts on local or strategic infrastructure.

A concern has been raised locally as to the lack of local benefits offered by the scheme. However, the benefits of the restoration of the listed building at risk are considered to be significant, and to outweigh the very modest harm to its setting. The proposal will also provide additional housing towards the shortfall of supply in the district. The proposal will also provide a contribution toward infrastructure in the form of CIL. As such, the scheme is policy compliant in terms of benefits, and it would be unreasonable to withhold permission due to an arguable lack of tangible local benefit.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the conservation area, the character of the listed building, highway safety, protected species, protected trees, or residential amenity. It is considered that the very limited harm to the setting of the listed building is outweighed by the benefits of the scheme, including the restoration of a grade II listed building, which is currently at risk.

RECOMMENDATION

That application reference 16/04434/FUL be approved on or after the 3rd April 2017 subject to:-

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Secure an appropriate scheme of phasing to ensure that works to restore the primary listed building are carried out in a timely fashion, to the satisfaction of the SSDC Conservation Officer.
 - 2) To secure a review mechanism in relation to the provision of affordable housing in order

to recoup a fair proportion of any available surplus in the event that improved market conditions result in a surplus or 'super normal' profit for the applicant, to the satisfaction of the SSDC Strategic Housing Manager.

b) The following conditions:

Justification

01. The site is located within a sustainable location in an existing market town where the principle of residential development is acceptable. The development of the site would respect the character of the conservation area with no demonstrable harm to the character of the listed building, highway safety, protected species, protected trees, or residential amenity. The very limited harm to the setting of the listed building is outweighed by the benefits of the scheme. As such the proposal complies with local plan policies SD1, SS1, SS5, TA5, TA6, EQ2, EQ3, EQ4, and EQ5 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: BN1/182/P001/C, BN1/182/P002/B, BN1/182/P-003/B, BN1/182/P-004/B, BN1/182/P-005/A, BN1/182/P-006/B, BN1/182/P-007/A, BN1/182/P-008/C, BN1/182/P-009/C, BN1/182/P-010/B, BN1/182/P-011/A, BN1/182/P-013/A, BN1/182/SK-014/A, BN1/182/SK-015, BN1/182/P-017 received 21 December 2017, BN1/182/P-016/C, BN1/182/P-018/A, BN1/182/P-019/A (Refuse Distribution) received 10 January 2017, and BN1/182/P-019 (Main House Bat Mitigation) received 03 February 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The construction of the pool replacement buildings shall not commence until details of the wall and roof materials, roof details (ridges, eaves, verges, abutments and rainwater goods), doors and windows (including recessing and lintel treatment), and any external fittings (including pipework, lighting, vents and grills) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

04. The construction of the gatehouse buildings shall not commence until details of the wall and roof materials, roof details (ridges, eaves, verges, abutments and rainwater goods), doors and windows (including recessing and lintel treatment), and any external fittings (including pipework, lighting, vents and grills) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

05. The construction of the three dwellings in the southeast corner of the site shall not commence until details of the wall and roof materials, roof details (ridges, eaves, verges, abutments and rainwater goods), doors and windows (including recessing and lintel treatment), and any external fittings (including pipework, lighting, vents and grills) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. No work shall be carried out to the coach house until full details of any external works (including, but not exclusively, details of all external repair and alteration, covering works to windows, stonework, roofs and any additional vents/flues etc) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

07. The construction of the car port to serve the pool replacement buildings shall not commence until details of the wall and roof materials, and roof details (ridges, eaves, verges, abutments and rainwater goods), have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

08. The construction of the bin store shall not commence until details of the wall and door materials have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

09. No bat mitigation work shall be carried out to the principle priory building unless details of the bat entry points and associated separation partitions have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

10. No work shall be carried out to the exterior of the principle priory building unless a schedule of work has been submitted to and approved in writing by the Local Planning Authority relating to all works of external repair. This shall include works to the roofs, walls, windows and doors. Such details, once approved, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

11. No work shall be carried out to fit any new doors, windows, boarding or other external opening to the principle priory building unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

12. No work shall be carried out to fit the roof lights to the principle priory building unless details of the units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

13. No work shall be carried out to add any external fixtures to the principle priory building unless details of such fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include external signage, lighting and metre boxes (which should be fitted internally). Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

14. No works are to be undertaken to any structural timbers in the principle priory building until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

15. No work shall be carried out to fit any new WCs, bathrooms, kitchens or utility rooms within the principle priory building unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

16. No work shall be carried out to the interior of the principle priory building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

17. No doors shall be removed from the principle priory building until a door schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include a survey of all existing doors, an estimate of age and significance, which doors are to be retained in situ and which doors to be resited and to what location. Any alterations to the doors must be specified. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

18. No work shall be carried out to the principle priory building in relation to the upgrading to existing floors and walls to improve acoustic and fire separation between the units unless details of such work has been submitted to and agreed in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

19. No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be maintained to a fully functional capacity thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected on site [other than those expressly authorised by this permission].

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other external alterations shall be made to the buildings hereby approved.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

22. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

23. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

24. The area allocated for parking and turning on the submitted plan, drawing number BN1/182/P002, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

25. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree protection measures (Ref: Arboricultural Method Statement ATC/350/C and Tree Protection Plan ATC/350 Appendix 5 as prepared by Astill Treecare Ltd), specifically the fencing and signage requirements; shall be installed and made ready for inspection. A site meeting between the appointed Site Manager and the Council's Tree Officer shall then be arranged at a mutually convenient time. The locations and suitability of the tree protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety and shall remain so for the duration of the construction of the development. The protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the following of the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

26. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels, and full details of all hard surfacing and boundary treatments. The scheme shall also include a scheme of tree and shrub planting. Such a scheme shall include numbers of individual species, sizes at the time of planting, whether container-grown or cell-grown and the approximate date of planting. The installation

details regarding ground preparation, staking, tying, guarding and mulching shall also be included in the scheme. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same approved specification, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

27. No works shall commence to the Priory (main house) and no activities that could result in disturbance to bats (including second phase of tree/shrub/hedge/scrub clearance, and demolition of the pool building) shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- Emergence/re-entry bat surveys undertaken between April and September, and in accordance with industry best practice;
- full details of mitigation measures to avoid, mitigate and compensate for harm to bats and their roosts, including key flight lines;
- a lighting scheme that minimises lighting disturbance to bats.

Emergency safeguarding works to the Priory may be undertaken at any time but any such works to the upper storeys, roof voids, or roof coverings shall only be undertaken with approval from a Natural England licenced bat ecologist.

The works shall be implemented in accordance with the approved details and timing of the approved bat mitigation measures, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (bats) in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

28. No construction lighting shall be used post official sunset time and prior to official sunrise time from the 1st April to the 30th September (i.e. no lighting during spring and summer months).

Reason: To avoid potentially significant disturbance, and disruption to roost access and exit, to a light sensitive species of bat of high conservation importance, and to ensure compliance with wildlife legislation.

29. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

30. The development shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan or method statement detailing measures for pre-commencement update surveys, minimising disturbance and harm to badgers, protection of badger setts, enabling badgers continued access within their territory as appropriate for their welfare, and details of badger barrier fencing to minimise conflict between badgers and future householders (if considered appropriate). The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

Informatives:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

Agenda Item 18

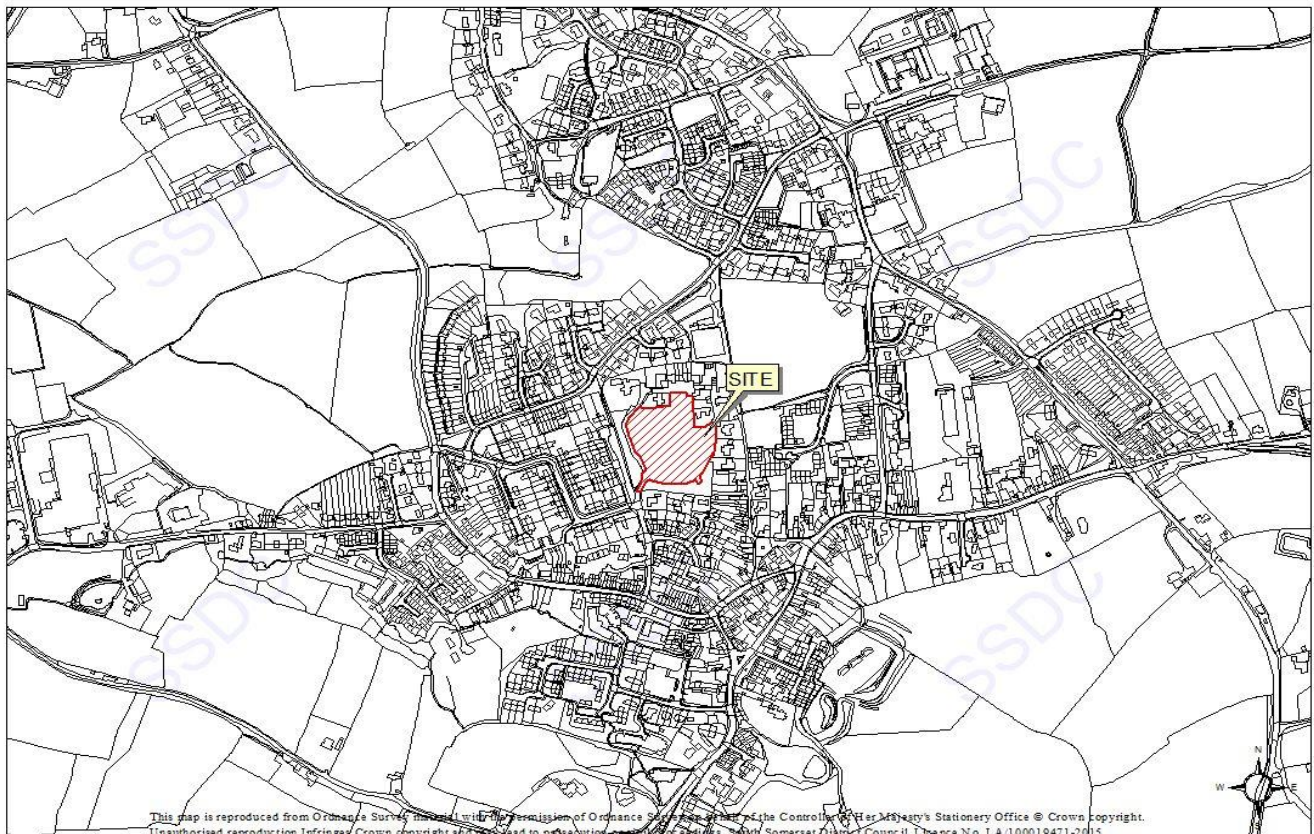
Officer Report On Planning Application: 16/04435/LBC

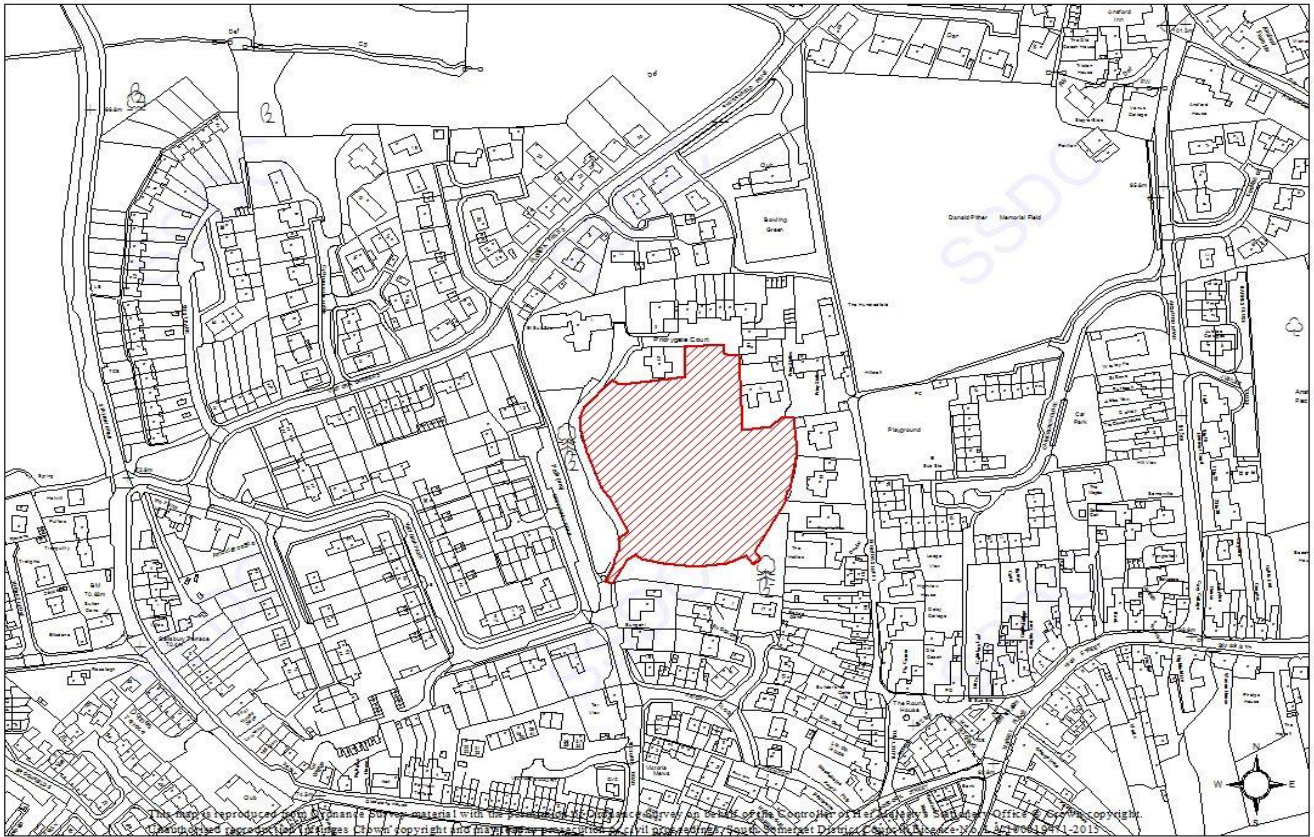
Proposal:	Refurbishment and conversion of St John's Priory (Formerly Florida House) to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory.
Site Address:	The Priory Priorygate Court Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	9th December 2016
Applicant:	Mr Bob Berridge
Agent: (no agent if blank)	Mr Christopher Brooks BN1 Architects 202 Ditchling Road Brighton BN1 6JE
Application Type:	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area vice-chair, in order to allow the concerns of local residents to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks consent to refurbish and convert an existing large house into one 4 or 5-bedroom house, three 1-bedroom apartments and one 2-bedroom apartment. It also seeks permission for the conversion of an existing coach house to form two 2-bedroom semi-detached houses, for the demolition of the existing pool structure and its replacement with two bungalows, the erection of three detached dwellings to the south of the existing house, and for the erection two detached dwellings as gatehouses at the entrance to the site. The site consists of a derelict mansion and its outbuildings set within somewhat overgrown grounds. The site is close to various residential properties. The site is within a development area and a conservation area as defined by the local plan. The existing house is a grade II listed building.

Plans show the refurbishment and conversion of the main house to form a single large dwelling and three apartments. They show the erection of two 2-storey, 2-bedroom 'gatehouses' at the entrance to the site, and three 2-storey, 4-bedroom houses to the south of the existing grounds. Vehicular access to the refurbished main house and the 'gatehouses' will be via the existing southwest entrance to the site. Plans show the demolition of an existing pool house directly to the east of the main house, and its replacement with two 2-bedroom bungalows, constructed as lean-to structures off the existing boundary wall of the site. These will be accessed via the existing private road to the south and east of the site (as will be the proposed 4-bedroom houses). The bungalows will be served by a new car port proposed at the easternmost edge of the site, linking to each other by a newly proposed gravel path. It is proposed to convert an existing coach house into two dwellings. The coach house dwellings and the three apartments in the main house will be accessed via the existing road to the west and north of the site and will be served by a parking area to the north of the main house.

HISTORY

16/04434/FUL - Refurbishment and conversion of St John's Priory (Formerly Florida House) to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as

replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory - Pending consideration.

06/02747/LBC - The conversion of the Priory building, attached structures and adjacent garage/office building into 14 no. apartments together with associated parking spaces - Application withdrawn 29/11/2006

06/02748/FUL - The conversion of the Priory building, attached structures and adjacent garage/office building into 14 no. apartments together with associated parking spaces - Application withdrawn 30/11/2006

98/02617/FUL - The construction of an enclosed swimming pool and the erection of a conservatory attached to the Priory - Application permitted with conditions 15/02/1999

98/02619/LBC - The construction of an enclosed swimming pool and the erection of a conservatory attached to the Priory - Application permitted with conditions 15/02/1999

98/02624/FUL - Erection of a two bay garage block with office and residential accommodation over in lieu of previously approved five bay garage block - Application permitted with conditions 15/02/1999

98/02375/FUL - The erection of a detached dwelling with swimming pool on plot 1 (amended design) - Application permitted with conditions 24/09/1999

98/01285/FUL - Erection of a four bay garage block and reduction in size of approved garage block - Application permitted with conditions 13/08/1999

97/02647/LBC - Carrying out of internal and external alterations to include the provision of doors in two existing window openings - Application permitted with conditions 31/12/1997

97/02464/FUL - The erection of 13 dwellings and the conversion of outbuilding to one dwelling - Application permitted with conditions 13/01/1998

97/00917/LBC - The demolition of single storey buildings - Application permitted with conditions 10/07/1997

97/00918/FUL - Change of use of priory building to one dwellinghouse - Application permitted with conditions 16/06/1997

97/00520/OUT - The construction of access roads, the erection of 10 dwellings and the conversion of outbuilding to 1 dwelling - Application permitted with 10/07/1997

97/00521/LBC - The demolition of a single storey building - Application permitted with conditions 10/07/1997

96/02876/FUL - The conversion of coach house into a dwelling - Application permitted with conditions 28/01/1997

96/02877/LBC - The conversion of coach house into a dwelling - Application permitted with conditions 28/01/1997

96/00265/FUL - Conversion of stable block into a dwelling - Application permitted with conditions 19/03/1996

96/00266/LBC - Conversion of stable block into a dwelling - Application permitted with conditions

29/03/1996

95/02663/LBC - The re-siting of entrance gates and pillars - Application withdrawn 21/03/1996

95/02653/OUT - The erection of 17 dwellinghouses - Application withdrawn 21/03/1996

95/05265/FUL - The use of main priory building as a residential nursing home - Application permitted with conditions 20/11/1995

95/05266/FUL - The use of main priory building as hotel and conference centre - Application permitted with conditions 20/11/1995

95/05267/FUL - The use of main priory building as office accommodation - Application permitted with conditions 20/11/1995

95/05264/OUT - The erection of fourteen dwellinghouses and to include amended access proposals (outline) - not found 01/04/1996

95/05262/FUL - Conversion of stable block into two dwellings and provision of parking area - Application refused 13/12/1995

95/05263/LBC - Conversion of stable block into two dwellings and provision of parking area (listed building consent) - Reg3 County (SSDC raise objections) 13/12/1995

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with the NPPF:

Relevant Development Plan Documents

Policies of the South Somerset Local Plan (2006-2028)

Policy EQ3 - Historic Environment

CONSULTATIONS

Castle Cary Town Council - Recommends approval, but makes the following suggestions to be taken into consideration:

- The developer considers a larger parking area without a carport and with a turning circle by the gates to number 11.
- The residents might negotiate to buy the village green.
- The developer to place screening between the village green and the car parking and make the car parking of a 'grass mesh' material to maintain a grassy effect.
- An appropriate outer housing to be put in place around the large rubbish bin.

SSDC Conservation Officer - Initially stated:

"I am satisfied that we have arrived at a point where I feel the design will not cause harm to the significance of The Priory. The work to the principle building has always been fairly straightforward. The main house will be retained as a single residential unit, which is essential for its ongoing conservation. A scheme to convert this into flats would cause great harm to the character of its interior.

The new builds have been more difficult. I would love to have a scheme that didn't include the new build units around the edge of the site, but I accept that this level of development is essential to make the scheme viable. These units have been designed and sited appropriately so as not to cause harm to the setting of the main building. They will have some impact without doubt, but with appropriate landscape mitigation and boundary treatments I am satisfied that this can be managed to a satisfactory level."

He then went on to raise objections to the originally proposed phasing, stating:

"...the phasing proposal needs more work. This appears to be the same one that was discussed over email with the agents last November, and doesn't appear to have been amended. The purpose of agreeing a phasing scheme through a s.106 agreement is to ensure that the repairs to the historic building are carried out at an early stage, alongside some of the new build work. This is to ensure that more profitable new build units are not constructed and sold off without undertaking the necessary repairs to the existing building. It is essential that the phasing scheme that we agree is straightforward and easy to enforce. Phases need to have a clear start and end time. It needs to be possible, through the S.106 agreement, to 'discharge' a particular phase through a site visit and formal letter before the subsequent phase can commence."

On the receipt of an amended phasing scheme, he stated:

"I am now happy with the phasing scheme as amended. Therefore I am in a position to offer my full support to the scheme.

I suggest splitting up the conditions for the new builds into three groups - pool replacement, lodge buildings and the three large houses in the southeast corner of the site. Conditions for these should cover all the usual external finishes and details including, materials (including samples of roof materials and sample panels of stone and render); eaves, verges and rainwater goods; window systems including recessing and lintel treatment; external fittings including pipework, lighting, vents and grills; and associated external surfacing / landscaping.

A condition needs to be used relating to works to the Coach House, which could be a simple single condition to cover all external repair and alteration, covering works to windows, stonework, roofs and any additional vents/flues etc.

A condition needs to cover full details of the car port building.

A landscaping condition, which is crucial to the success of the scheme. As well as planting this should include all hard surfacing and boundary treatments."

In regards to the principle building he suggests conditions to control:

- Details of bat mitigation measures
- Details of external repair
- Details of new doors, windows, boarding etc.
- Details of roof lights
- Details of any external features
- Details of any work to structural timbers
- Details of any services for new WCs, bathroom, kitchens or utility rooms
- Details of any new interior surfaces, including any making good
- Details of any alterations to doors
- Details of any work to upgrade existing floors and walls in relation to acoustic and fire separation between the units.

Historic England [in relation to the concurrent application for planning permission] - States that the application should be determined in accordance with national and local policy guidance, and on the basis of the LPA's specialist conservation advice.

REPRESENTATIONS

Letters of objection were received from the occupiers of fifteen neighbouring properties and the occupier of one property in London. Some of the objections referenced this listed building consent application, some referenced the concurrent application for planning permission and some referenced both. Objections were raised in the following areas:

- Use of/destruction of/damage to the 'village green'
- Highway safety including inadequate parking
- Construction traffic disturbance
- Ongoing disturbance from increased traffic
- Harm to the character of the area and the setting of the listed building
- Harm to the character of the listed building
- Harm to ecology/biodiversity
- Harm to amenity from bin storage arrangements
- Concern that the developer will not be able to meet financial obligations
- Inappropriate scale of development
- Loss of privacy to existing residents
- Damage/loss of protected trees
- Inability of local infrastructure to cope with further development
- Lack of local benefits

CONSIDERATIONS

The proposal involves significant alterations to a grade II listed building within a conservation area. As such, Historic England and the SSDC Conservation Officer were consulted. Historic England stated that the application should be determined in accordance with national and local policy guidance, and on the basis of the LPA's specialist conservation advice.

The SSDC Conservation Officer considered the scheme in detail both in relation to the listed building alterations (which are the matters that can be considered in relation to this application), and the wider

development that is the subject of the concurrent application for planning permission.

In regards to the listed building alterations, the conservation officer has raised no objections to the proposal. The conservation officer has suggested the use of a variety of conditions to control detailing. All are considered to be reasonable and necessary.

As the opinion of the conservation officer is considered to hold considerable weight in applications of this nature, the proposal is not considered to have a negative impact on the character of the listed building.

It is therefore considered that, contrary to neighbour objections in this regard, the proposal does not adversely affect the character of the listed building in accordance with the NPPF, and policy EQ3 of the South Somerset Local Plan.

All of the other neighbour objections and town council suggestions are noted, but these relate to planning permission matters and are more properly considered in relation to the concurrent application for planning permission.

As such the proposal should be recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building and is in accordance with policy EQ3 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: BN1/182/P001/C, BN1/182/P002/B, BN1/182/P-003/B, BN1/182/P-004/B, BN1/182/P-005/A, BN1/182/P-006/B, BN1/182/P-007/A, BN1/182/P-008/C, BN1/182/P-009/C, BN1/182/P-010/B, BN1/182/P-011/A, BN1/182/P-013/A, BN1/182/SK-014/A, BN1/182/SK-015, BN1/182/P-017 received 21 December 2017, BN1/182/P-016/C, BN1/182/P-018/A, BN1/182/P-019/A (Refuse Distribution) received 10 January 2017, and BN1/182/P-019 (Main House Bat Mitigation) received 03 February 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No work shall be carried out to the coach house until full details of any external works (including, but not exclusively, details of all external repair and alteration, covering works to windows, stonework, roofs and any additional vents/flues etc) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

04. No bat mitigation work shall be carried out to the principle priory building unless details of the bat entry points and associated separation partitions have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

05. No work shall be carried out to the exterior of the principle priory building unless a schedule of work has been submitted to and approved in writing by the Local Planning Authority relating to all works of external repair. This shall include works to the roofs, walls, windows and doors. Such details, once approved, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. No work shall be carried out to fit any new doors, windows, boarding or other external opening to the principle priory building unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

07. No work shall be carried out to fit the roof lights to the principle priory building unless details of the units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

08. No work shall be carried out to add any external fixtures to the principle priory building unless details of such fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include external signage, lighting and metre boxes (which should be fitted internally). Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

09. No works are to be undertaken to any structural timbers in the principle priory building until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

10. No work shall be carried out to fit any new WCs, bathrooms, kitchens or utility rooms within the principle priory building unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

11. No work shall be carried out to the interior of the principle priory building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

12. No doors shall be removed from the principle priory building until a door schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include a survey of all existing doors, an estimate of age and significance, which doors are to be retained in situ and which doors to be resited and to what location. Any alterations to the doors must be specified. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

13. No work shall be carried out to the principle priory building in relation to the upgrading to existing floors and walls to improve acoustic and fire separation between the units unless details of such work has been submitted to and agreed in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

Agenda Item 19

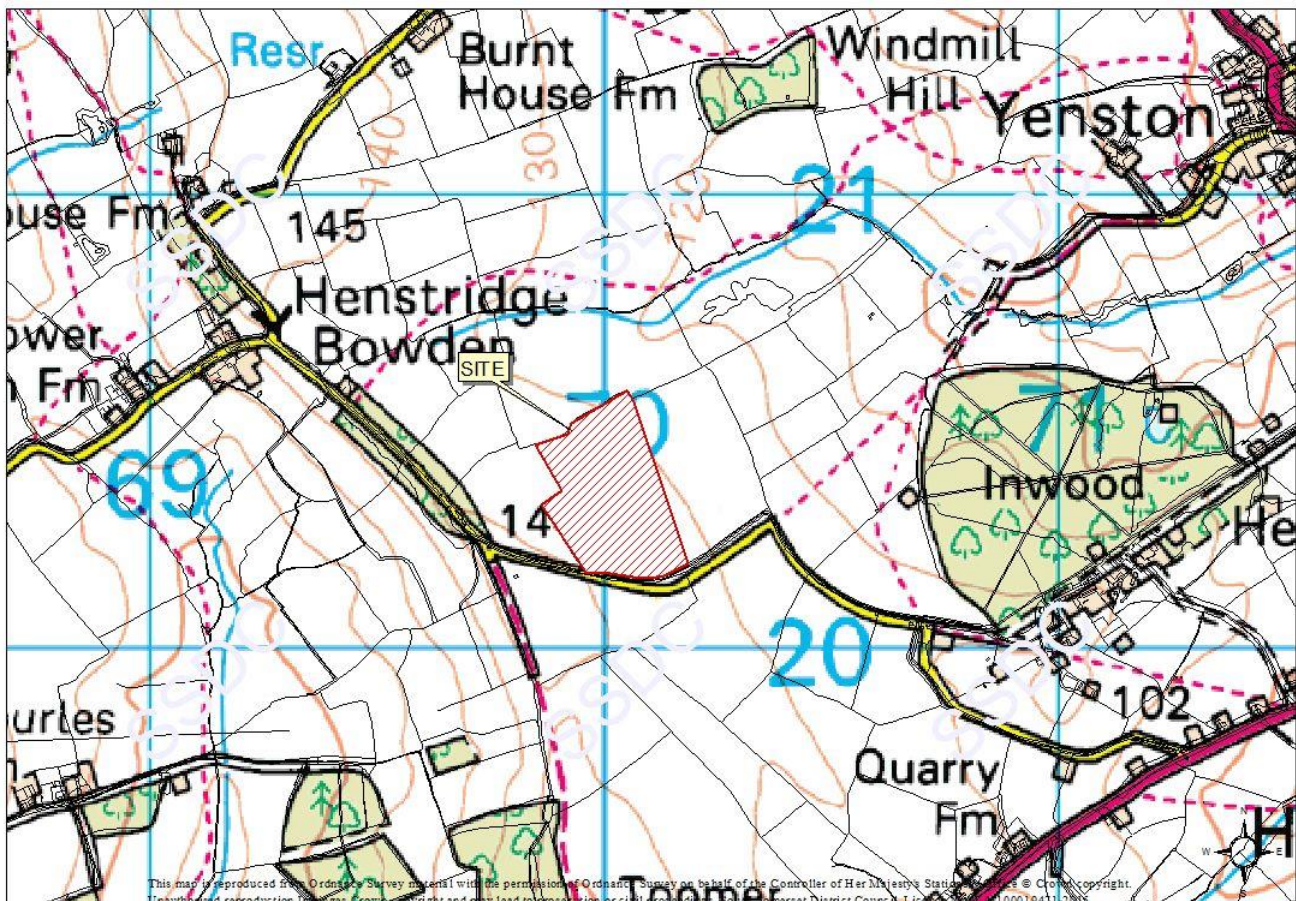
Officer Report On Planning Application: 17/00242/S73A

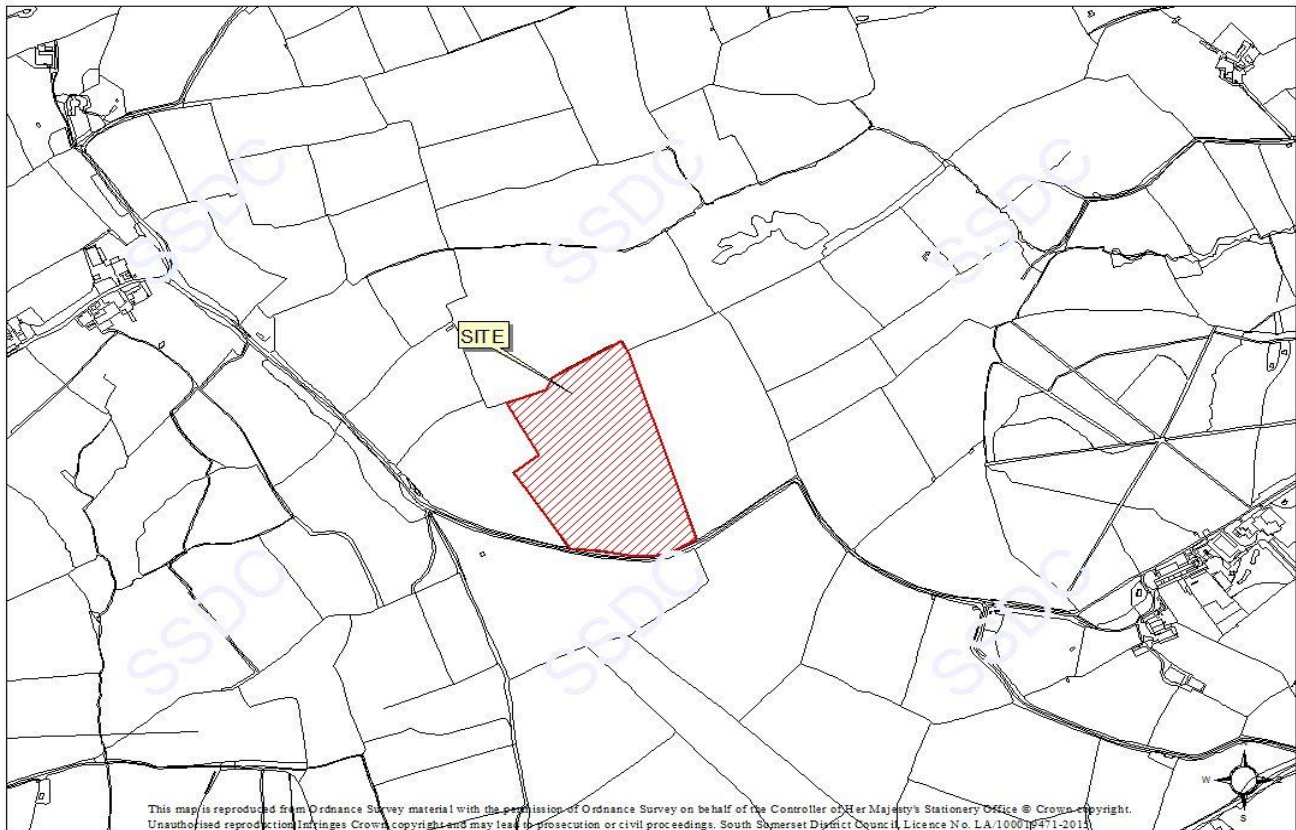
Proposal:	Application to vary planning condition 3 of approval 15/02718/FUL to allow the developer a 25 year period from the date of first generation of the solar park and not from the date of the planning permission
Site Address:	Land OS 0034 Bowden Lane Henstridge
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date:	20th April 2017
Applicant:	Bowden Lane Solar Park Ltd
Agent: (no agent if blank)	
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application relates to a 'large scale' major development which, due to its size, must be referred to Committee for determination if the case officer is recommending approval of the application, which is the case in this instance. The original permission was granted by Area East Committee at its meeting on 14 October 2015.

SITE DESCRIPTION AND PROPOSAL





The 9 Ha site is located 1.8Km to the south-west of the village of Templecombe, and 1.9Km north-west of Henstridge in open countryside. It comprises a single large field. The nearest dwellings to the north and north-west are more than 500m from the site edges. The land slopes gently northwards from the highway access onto Bowden Lane, which forms the southern boundary. On three sides, the site is bounded by mature hedging.

Permission was granted (15/02718/FUL) for the installation of a solar array across most of the field, aimed at generating 5 MW of power to be connected to the general electricity grid, together with associated inverter stations, switch housing, access track, security fencing and cameras. The permission was for a temporary period of 25 years from the date of approval, 19 October 2015.

Application has now been made to extend the period of temporary operation to cover a period of 25 years from the date of first generation of electricity from the site.

HISTORY

16/04028/NMA - Application for non-material amendment to planning permission 15/02718/FUL for minor alterations: Reduction in number of panels; Panel height and degree; Inverter specification; Inclusion of two satellites; and Minor alteration to the spares container location - permitted

15/02718/FUL - Construction of a Photovoltaic Park with associated equipment including access track and cable route - permitted with conditions

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms

part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1 - Sustainable Development
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ7 - Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Henstridge Parish Council: The application is supported.

Milborne Port Parish Council: No comment received at the time of writing - update at Committee.

North Dorset District Council: No objections.

West Dorset District Council: No comment received.

Highways Authority: No observations.

SDDC Landscape Officer: No objection.

SDDC Climate Change Officer: *Ground mounted Solar photovoltaic farms are designed to be*

completely demountable to enable the land to be returned to full agricultural use leaving no trace of the solar development. Planning permissions for solar farms have been time limited because it has been assumed that the installation will not be viable after 25 years because the feed in tariff comes to an end and income from the site will then be much reduced. Also, the efficiency of the panels is reduced to around 80% of a new panel.

However, based on the performance of the oldest PV panels - a solar farm could still be generating useful electricity well after 25 years. Certainly the panels should be allowed to operate for 25 years from commissioning.

I have no objections to this application.

REPRESENTATIONS

None received.

CONSIDERATIONS

Permission exists for the establishment of a solar array on the site, which has been implemented. The permission was granted for a temporary period of 25 years, which has been the general practice with solar farms in the District, and generally throughout the country.

The solar farm is due to commence operating - i.e. generating electricity for feeding into the grid - on 31 March 2017, a period of 17 months into the 25-year permission. The applicants have requested that the period for operating the solar farm be extended to accommodate the delay between obtaining the permission and commencement of generation.

As noted by the Climate Change Officer, it is likely that the installation will operate for 25 years, and it is not unreasonable to extend the formal permission accordingly.

The applicant has noted that certain minor changes to details approved under Discharge of Condition applications will need to be made during the final stages of completion, and the revised conditions relevant to these matters reflects this (making it possible to revisit the discharge of the original conditions).

Conclusion

The permission for a temporary period of 25 years, extended to allow for the construction and installation period, is considered acceptable, and has no material impact on the temporary nature of the permission, or the likely impact on the setting and local environment. The application is accordingly recommended for approval.

RECOMMENDATION

Grant permission.

01. Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact the proposal will have on the local landscape character. As such the proposal accords with the aims and objectives of Policies SD1, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Planning Layout Drg. No. 1253-0201-01 Issue 04;
- Site Location Plan Drg. No. 1253-0200-05 Issue 01;
- Construction Access and Cable Route Drg. No 1253-0201-05;
- Proposed Compound Area Drg. No. 1253-0201-20 Issue 01;
- CCTV Detail Drg. No. 1253-0204-00 Issue 01;
- Steel and Timber Fencing Detail 22 degrees Panel Angle - Drg. No. 1253-0205-03 Issue 01;
- Mounting System Detail Drg. No. 1253-0206-09 Issue 01;
- Bowden Lane Inverter Station Detail SMA SC Drg. No. 1253-0207-14 Issue 01
- Bowden Lane Satellite Mounting System Drg. No. 1253-0207-20 Issue 01
- Spares Container Detail Drg. No. 1253-0207-40 Issue 01;
- SSE DNO Access Road Section - Drg. No. 1253-0208-10 Issue 01;
- Private Switchgear - Drg. No. 1253-0208-54 Issue 01;
- DNO Switchgear Drg. No. 1253-0208-71 Issue 01;
- Water main easement - Drg. No. 1253-0200-50 Issue 01;
- Drg. No. 1510728 4 Module Quer ES120 1/ 2; and
- Drg. No.1510728 4 Module Quer ES120 2 /2.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. The development hereby permitted shall be removed and the land restored to its former condition before 31 March 2042, or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with the aims of the NPPF and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan.

03. The site management plan for tree, hedge and grass maintenance of the site approved by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL) shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

04. The scheme of landscaping and planting approved by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL), shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

05. No means of external illumination/lighting, other than those approved by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL) shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

06. No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted layout plan ref. 1253-0201-01, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

07. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. The means of connection to the electricity grid from the site shall be in accordance with the details approved by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL), unless otherwise agreed in the writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

09. All site works shall comply with the Construction Traffic Management Plan agreed by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL). Any alterations to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, traffic management and amenity, in accordance with the aims of the NPPF and Policies EQ2 and TA5 of the South Somerset Local Plan.

10. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, in accordance with details approved by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL).

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

11. The details of measures for the benefit of wildlife (e.g. bat and bird boxes, wildflower sowing and management) approved by the Local Planning Authority under application 15/05306/DOC

(Discharge of Conditions for application 15/02718/FUL) shall be fully implemented and maintained unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

12. The details of the finished colour of the security fencing and the finished colour and position of the CCTV equipment agreed by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL) shall be carried out and thereafter retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

13. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interest of sustainable construction and to accord with part 10 of the National Planning Policy Framework.

14. The programme of archaeological work agreed by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL) shall be fully carried out.

Reason: To safeguard archaeological remains on the site and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan.

15. The details of the access to the site agreed by the Local Planning Authority under application 15/05306/DOC (Discharge of Conditions for application 15/02718/FUL), including visibility splays, layout and surfacing materials, shall be fully implemented and thereafter retained and maintained for the lifetime of the permission, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, and to accord with the NPPF and Policy TA5 of the South Somerset Local Plan.